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Contents

NOTIFICATIONS CONCERNING TREATIES ADMINISTERED BY WIPO IN THE FIELD OF INDUSTRIAL PROPERTY

WIPO Convention. Accession: Estonia	379
Paris Convention. New Members of the Paris Union: Honduras, El Salvador	379
Hague Agreement. New Member of the Hague Union: Yugoslavia	379
Patent Cooperation Treaty (PCT). Amendments to the Regulations	380
Budapest Treaty. New Members of the Budapest Union: Cuba, Yugoslavia	380

GOVERNING BODIES OF WIPO

Governing Bodies of WIPO. Twenty-Fourth Series of Meetings (Geneva, September 20 to 29, 1993)	381
---	-----

NORMATIVE ACTIVITIES OF WIPO IN THE FIELD OF INDUSTRIAL PROP- ERTY

Symposium on the International Protection of Geographical Indications, organized by WIPO in cooperation with the Ministry of Industry and Energy of Portugal (Funchal [Madeira, Portugal], October 13 and 14, 1993)—Protection of Geographical Indications Through Registration of Collective Marks or Certification Marks	384
Permanent Committee on Industrial Property Information (PCIP). Fourth Session (Geneva, September 21, 1993)	393

REGISTRATION SYSTEMS ADMINISTERED BY WIPO

Patent Cooperation Treaty (PCT)	
PCT Committee for Technical Cooperation (PCT/CTC). Sixteenth Session (Geneva, September 21 and 22, 1993)	394
Training and Promotion Meetings With PCT Users	394
Computerization Activities	394
Madrid Union	
Application of Rule 38 of the Madrid Regulations (Successor States) With Respect to the Former Yugoslav Republic of Macedonia	395
Training and Promotion Meetings With Users of the Madrid System	395
Computerization Activities	395

[Continued overleaf]

WIPO 1993

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Hague Union. Draft New Act of the Hague Agreement Concerning the International Registration of Industrial Designs—Document Prepared for the Fourth Session of the Committee of Experts on the Development of the Hague Agreement Concerning the International Deposit of Industrial Designs (Geneva, January 31 to February 4, 1994)	395
--	-----

ACTIVITIES OF WIPO IN THE FIELD OF INDUSTRIAL PROPERTY SPECIALLY DESIGNED FOR DEVELOPING COUNTRIES

Africa	412
Arab Countries	413
Asia and the Pacific	413
Latin America and the Caribbean	416
Development Cooperation (in General)	418
WIPO Medals	421

ACTIVITIES OF WIPO IN THE FIELD OF INDUSTRIAL PROPERTY SPECIALLY DESIGNED FOR COUNTRIES IN TRANSITION TO MARKET ECONOMY

421

OTHER CONTACTS OF THE INTERNATIONAL BUREAU OF WIPO WITH GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS IN THE FIELD OF INDUSTRIAL PROPERTY

423

MISCELLANEOUS NEWS

424

CALENDAR OF MEETINGS

425

INDUSTRIAL PROPERTY LAWS AND TREATIES (INSERT)

Editor's Note

KYRGYZ REPUBLIC

Announcement on the Protection of Industrial Property in the Kyrgyz Republic Text 1-001

SLOVENIA

Law on Industrial Property of March 20, 1992 (as amended and supplemented by the Law Amending and Supplementing the Law on Industrial Property of May 29, 1993) *(This text replaces the one previously published under the same code number)* Text 1-001

Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

WIPO Convention

Accession

ESTONIA

The Government of Estonia deposited, on November 5, 1993, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

Under the unitary contribution system, Estonia will belong to Class IX for the purpose of establishing its contribution towards the budget of the World Intellectual Property Organization.

The said Convention will enter into force, with respect to Estonia, on February 5, 1994.

WIPO Notification No. 169, of November 10, 1993.

Paris Convention

New Members of the Paris Union

HONDURAS

The Government of Honduras deposited, on November 3, 1993, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

Honduras has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised will enter into force, with respect to Honduras, on February 4, 1994. On that date, Honduras will become a member of the Paris Union.

Under the unitary contribution system, Honduras will, as from January 1, 1994, belong to Class *Sbis* for the purpose of establishing its contribution towards the budgets of the World Intellectual Property Organization (WIPO) and the contribution-financed unions.

Paris Notification No. 144, of November 4, 1993.

EL SALVADOR

The Government of El Salvador deposited, on November 18, 1993, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

El Salvador has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised will enter into force, with respect to El Salvador, on February 19, 1994. On that date, El Salvador will become a member of the Paris Union.

Under the unitary contribution system, El Salvador will, as from January 1, 1994, belong to Class *Sbis* for the purpose of establishing its contribution towards the budgets of the World Intellectual Property Organization (WIPO) and the contribution-financed unions.

Paris Notification No. 145, of November 19, 1993.

Hague Agreement

New Member of the Hague Union

YUGOSLAVIA

The Government of Yugoslavia deposited, on November 25, 1993, its instrument of ratification of the Hague Agreement Concerning the International

Deposit of Industrial Designs of November 6, 1925, as revised at The Hague on November 28, 1960 ("the Hague Act (1960)"), and supplemented at Stockholm on July 14, 1967 ("Stockholm (Complementary) Act (1967)") and amended on September 28, 1979.

Yugoslavia has not heretofore been a member of the Union for the International Deposit of Industrial Designs ("Hague Union"), founded by the Hague Agreement.

The Hague Act (1960) will enter into force, in respect of Yugoslavia, on December 30, 1993. On that same date, Yugoslavia will become bound by Articles 1 to 7 of the Stockholm (Complementary) Act (1967) and will become a member of the Hague Union.

The Hague Notification No. 36, of November 30, 1993.

Patent Cooperation Treaty (PCT)

Amendments to the Regulations

The Assembly of the International Patent Cooperation Union (PCT Union) adopted, on September 29, 1993, amendments to the Regulations under the Patent Cooperation Treaty.

The said amendments will enter into force on January 1, 1994. Those amendments are incorporated in the text of the Regulations under the Patent Cooperation Treaty published in *Industrial Property*.¹

PCT Notification No. 82, of November 12, 1993.

¹ See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES – Text 2-007, February 1994.

Budapest Treaty

New Members of the Budapest Union

CUBA

The Government of Cuba deposited, on November 19, 1993, its instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, and amended on September 26, 1980.

The said Treaty, as amended on September 26, 1980, will enter into force, with respect to Cuba, on February 19, 1994.

Budapest Notification No. 120, of November 22, 1993.

YUGOSLAVIA

The Government of Yugoslavia deposited, on November 25, 1993, its instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, and amended on September 26, 1980.

The said Treaty, as amended on September 26, 1980, will enter into force, with respect to Yugoslavia, on February 25, 1994.

Budapest Notification No. 121, of November 30, 1993.

Governing Bodies of WIPO

Governing Bodies of WIPO

Twenty-Fourth Series of Meetings
(Geneva, September 20 to 29, 1993)

From September 20 to 29, 1993, the Governing Bodies of WIPO held their twenty-fourth series of meetings in Geneva. Delegations from 104 States, 17 intergovernmental organizations and 12 international non-governmental organizations participated in the meetings.¹

The following 21 Governing Bodies met:

- (1) WIPO General Assembly, fourteenth session (11th ordinary);
- (2) WIPO Conference, twelfth session (11th ordinary);
- (3) WIPO Coordination Committee, thirty-first session (24th ordinary);
- (4) Paris Union Assembly, twenty-first session (11th ordinary);
- (5) Paris Union Conference of Representatives, twenty-first session (11th ordinary);
- (6) Paris Union Executive Committee, twenty-ninth session (29th ordinary);
- (7) Berne Union Assembly, fourteenth session (11th ordinary);
- (8) Berne Union Conference of Representatives, fourteenth session (11th ordinary);
- (9) Berne Union Executive Committee, thirty-fifth session (24th ordinary);
- (10) Madrid Union Assembly, twenty-fifth session (10th ordinary);
- (11) Hague Union Assembly, thirteenth session (9th ordinary);
- (12) Hague Union Conference of Representatives, thirteenth session (9th ordinary);
- (13) Nice Union Assembly, thirteenth session (11th ordinary);
- (14) Nice Union Conference of Representatives, twelfth session (11th ordinary);
- (15) Lisbon Union Assembly, tenth session (10th ordinary);
- (16) Council of the Lisbon Union, seventeenth session (17th ordinary);
- (17) Locarno Union Assembly, thirteenth session (10th ordinary);

- (18) IPC [International Patent Classification] Union Assembly, twelfth session (9th ordinary);
- (19) PCT [Patent Cooperation Treaty] Union Assembly, twenty-first session (9th ordinary);
- (20) Budapest Union Assembly, tenth session (7th ordinary);
- (21) Vienna Union Assembly, sixth session (5th ordinary).

The main subjects considered by the Governing Bodies and the main decisions that they adopted are described below.

Activities of WIPO from July 1, 1992, to June 30, 1993. Almost all of the delegations expressed their satisfaction with the contents of the reports on activities submitted by the Director General, and in particular with the accurate and clear description of the International Bureau's work carried out during the period under review. They voiced their appreciation for the amplitude and quality of the tasks accomplished and the efficiency and thoroughness with which they were carried out. The delegations were of the opinion that the objectives of the activities as set out in the work plan of the 1992-93 biennium had been attained. In their view the International Bureau, led by the Director General, responded promptly and also imaginatively and with dedication to the varied needs of the member States and to the new conditions prevailing in the modern world.

Almost all of the delegations stressed the prime importance that they attached to the development cooperation activities in favor of developing countries. The delegations of the recipient developing countries emphasized the priority that should be given to assistance to developing countries in order that the vital role played by intellectual property in cultural, technological and economic development might be enhanced. Those delegations hoped that WIPO's development cooperation program would be expanded in the future to allow for the development, in developing countries, of intellectual property

¹ A full list of the participants may be obtained on request from the International Bureau.

systems suited to local needs and in harmony with international trends. The delegations of donor countries reaffirmed their willingness to continue supporting WIPO's development cooperation program, whether with funds or in kind, and wherever possible to increase their contribution. The development cooperation activities that were considered most useful by the delegations of developing countries included different kinds of training for various groups of people; assistance in the drafting of legislation; advice on the rationalization of the administrative operations of national offices, in particular through computerization; assistance in the development of patent information services to the public through increased use of CD-ROM technology; the teaching of intellectual property in universities, and the establishment of societies for the fair and efficient administration of copyright and neighboring rights. In that respect the creation of the WIPO Academy and the award of long-term scholarships for intellectual property studies in academic institutions were welcomed by many delegations as two initiatives that responded to their wishes.

A number of delegations, referring to the decline in the multilateral resources made available to WIPO from extrabudgetary sources such as the United Nations Development Programme (UNDP), urged donor countries to increase their assistance and supported the proposal by the Director General that more funds from WIPO's regular budget be allocated to development cooperation activities in the next biennium (see under "Program and Budget for the 1994-95 Biennium," below). As the promotion of adherence to treaties was an important development cooperation activity, many delegations supported the Director General's proposal of a unitary contribution system (see under "Unitary Contribution System," below), since that would encourage a greater number of developing countries to adhere to treaties to which they were not yet party.

A large number of delegations from both developing and industrialized countries emphasized the importance of WIPO's normative work and its activities in connection with the international registration systems. The overwhelming majority of those delegations were satisfied with the progress of the normative work, and expressed their desire to see the early conclusion of that work in relation to the establishment of the Patent Law Treaty, the preparations for a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property, the draft Trademark Law Treaty, a Possible Protocol to the Berne Convention, a possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms and arbitration and other extrajudicial mechanisms for the resolution of disputes between private parties.

Many delegations expressed their full satisfaction with the success of the PCT and its operations. Some

delegations expressed concern about the financial position of the Madrid and Hague systems.

Program and Budget for the 1994-95 Biennium. The Governing Bodies approved the draft program and budget proposed by the Director General for the 1994-95 biennium, with an increase in expenditure (from about 188 million Swiss francs in the 1992-93 biennium to about 230 million Swiss francs in the 1994-95 biennium). The program of the coming biennium will see the continuation of many of the activities of the 1992-93 biennium. At the same time, it will cover a significantly greater number of development cooperation activities. With respect to normative activities, the outstanding events provided for in the new program are the conclusion of a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property, that of the Trademark Law Treaty and, possibly, that of the Patent Law Treaty. As for international registration activities, the number of PCT applications is expected to increase by about 15% compared with the 1992-93 biennium. The total of the contributions by States members of the various Unions will be reduced by 8.6% in relation to the levels in the 1992-93 biennium. This will be achieved through increased participation, by the PCT Union in particular but also by the Madrid and Hague Unions, in the financing of certain activities that are of growing interest to those three Unions. In the 1992-93 biennium, the proportion of the income of contribution-financed Unions to that of fee-financed Unions was about 24% to 76%; in the new approved budget, the proportion would be about 19% to 81%, while for expenditure the proportions are 27% to 73% and 20% to 80%, respectively.

Unitary Contribution System. The Governing Bodies also decided to apply, as from January 1, 1994, for a trial period of four years covering the next two bienniums (1994-95 and 1996-97), a unitary contribution system. The system will replace the existing contribution system in which there are six contribution-financed Unions (Paris, Berne, IPC, Nice, Locarno, Vienna), with each State paying as many contributions (each of a different amount) to the International Bureau of WIPO as there are Unions of which it is a member. The advantages of the unitary contribution system are that it will make the administration of contributions simpler and be an incentive for States members of fewer than all the contribution-financed Unions to join additional Unions, since adherence to the additional Unions will not increase the amount of their contributions. Under the unitary contribution system, each State member will pay one contribution only, regardless of the number of contribution-financed Unions of which it is a member. Moreover, under the new system no State member of a Union would pay more—each

would in fact pay less—in contributions than under the existing multicontribution system. To achieve that result, the existing 10 contribution classes have been increased to 14 contribution classes (which allows States to be in a lower contribution class than previously), and the total amount of the contributions by States members of the contribution-financed Unions has been reduced by 8.6%. The creation of the four new contribution classes means that, for the great majority of member States that are developing countries, their present contributions will be considerably reduced, some by as much as 75%, and the yearly contribution for the member States in the lowest class will now amount to only 1,773 Swiss francs. Under the new system, the contributions of the States that are members only of WIPO and not of any of the Unions are aligned with the lowest six classes of the unitary contribution system.

Draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property. The General Assembly of WIPO agreed that the sixth session of the Committee of Experts and the second part of the Preparatory Meeting would be convened early in 1994 and that the Diplomatic Conference would be convened for a period of three weeks late in 1994 or during the first half of 1995.

Continuation of the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned. The Assembly of the Paris Union decided not to fix a date for the continuation of the Diplomatic Conference at its present session, and asked the Director General to convene an extraordinary session of the Assembly of the Paris Union when he believed that the time was ripe for the fixing of such a date to be considered.

Treaty Supplementing the Paris Convention as far as Marks Are Concerned ("Trademark Law Treaty"). The Assembly of the Paris Union approved the holding of a seventh session of the Committee of Experts on the Harmonization of Laws for the Protection of Marks, a Preparatory Meeting of the Diplomatic Conference and the Diplomatic Conference itself in the course of the 1994-95 biennium.

Establishment of WIPO Arbitration Services. The General Assembly of WIPO approved the establishment of a WIPO Arbitration Center, which will offer services for the resolution of intellectual property disputes between private parties as from July 1, 1994. Enterprises and individuals wishing to use those services will be able to choose between four dispute-settlement procedures: mediation, arbitration, expedited arbitration (designed particularly for small-scale disputes) and a combined procedure, providing

for mediation and, in default of settlement through mediation, arbitration.

Setting of Norms and Procedures for the Protection and Enforcement of Intellectual Property Rights. Besides the activities described in the preceding paragraphs, the 1994-95 biennium will see the continuation of work on a possible Protocol to the Berne Convention and on a possible instrument on the protection of the rights of performers and producers of phonograms, the preparation of a draft new treaty on the protection and/or international registration of geographical indications, the study of the question of granting certain intergovernmental organizations the same status as that of States in relation to treaties administered by WIPO or a similar status, the drafting of a model law on the protection of the rights of performers and producers of phonograms, together with guiding principles on the application of copyright and neighboring rights to the electronic storage, transmission and reproduction of works, recordings and broadcasts, and, lastly, the study of a possible voluntary international numbering system for certain categories of literary and artistic works and phonograms.

Exploration of Intellectual Property Questions in Possible Need of Norm-Setting. As far as this area of work is concerned during the next biennium, forums will be held on topical aspects of the patent protection of biotechnological inventions, on the question of protection against counterfeiting and piracy and on the protection of audiovisual works. Studies will be made of the measures that could be taken to secure better protection for well-known marks and of the questions of the protection overlaps between trade names, marks and slogans.

Increase in Fees in the Registration Systems. The Assemblies of the Madrid and Hague Unions approved increases in fees of 7% and 10%, respectively.

The Assembly of the PCT Union agreed that the question of an increase in PCT fees could be reexamined in 1994.

Patent Cooperation Treaty (PCT). The proposal by the International Bureau according to which the International Bureau would become an alternative receiving Office under the PCT as of January 1, 1994, was approved. The Assembly of the PCT further appointed the Spanish Patent and Trademark Office as an International Searching Authority with effect on September 22, 1993, and designated Chinese as a language in which an official text of the PCT would be established.

Hague Agreement Concerning the International Deposit of Industrial Designs. Work on the

revision of the Hague Agreement will continue. A Diplomatic Conference is scheduled to be held in 1995 to adopt the new Act of the Agreement.

Staff Matters. The Governing Bodies and the Director General paid tribute to the outgoing Deputy Director General Shahid Alikhan (he retired on November 30, 1993), praising the invaluable services

that he had rendered the Organization during his term of office. The Governing Bodies also approved the Director General's intention to promote Mr. Mihály Ficsor and Mr. Carlos Fernández-Ballesteros to the rank of Assistant Director General and to promote Mr. Raymond Andary to grade D.1. The promotions took effect on October 1, 1993.

Normative Activities of WIPO in the Field of Industrial Property

Symposium on the International Protection of Geographical Indications

organized by
WIPO in cooperation with the
Ministry of Industry and Energy of Portugal

(Funchal [Madeira, Portugal], October 13 and 14, 1993)

Protection of Geographical Indications Through Registration of Collective Marks or Certification Marks

1. With a view to improving international protection of geographical indications, WIPO has been considering the possibility of revising the existing international treaties in this area (the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration) or the possibility of concluding a new international treaty. A Committee of Experts met in May 1990 to examine those possibilities. Moreover, the questions involved have been considered in three symposiums organized by WIPO, in cooperation with the Government of France in Bordeaux (November 1988) and in Santenay (November 1989), and in cooperation with the Government of Germany in Wiesbaden (October 1991).

2. During the discussions in the Committee of Experts and the symposiums referred to in the preceding paragraph, the question has been raised whether international protection of geographical indications could be achieved through, *inter alia*, registration of collective marks or certification marks. "International protection" in this connection means the possibility of obtaining a registration not only for geographical indications referring to an area or region in the country of registration but also for geographical indications referring to areas or regions in other countries.

3. Generally applicable definitions of the terms "collective mark" and "certification mark" do not yet exist. In particular, Article 7bis of the Paris Convention for the Protection of Industrial Property, which deals with collective marks, does not define these terms. Thus the nature of such marks depends entirely on national law. Different approaches to those kinds of mark exist. Some countries provide

only for the registration of collective marks (for example, Germany), others only for the registration of certification marks (for example, the United Kingdom), and still others for the registration of both (for example, the United States of America). Broadly speaking, a collective mark can be defined as a mark which primarily indicates that the user of the mark is a member of an association which owns the mark. Furthermore, it may serve to indicate that certain requirements with respect to the products or services to which the mark relates are fulfilled. On the other hand, a certification mark indicates that the products on which it is used have been produced according to certain standards (which are defined and controlled by the owner of the mark). It is common to both types of mark that the owner is an association or institution which does not itself carry out trade in the products or services concerned. Particularly in the case of certification marks, the owner of the mark is required to control the certified characteristics of the products and therefore usually is precluded from using the mark himself. Instead of "certification mark" some countries (for example, Switzerland) use the term "guarantee mark," which has a meaning which is similar to the term "certification mark."

4. The purpose of the present document is to give information on the possibility of obtaining registrations of geographical indications as collective marks or certification marks under the existing provisions of national laws. The Annex to this document contains summarized information with respect to 21 countries (Argentina, Australia, Brazil, Canada, Chile, Côte d'Ivoire, France, Germany, Indonesia, Italy, Japan, Kenya, Malaysia, Mexico, Portugal, Russian Federation, Spain, Sweden, Switzerland, United Kingdom, United States of America).

5. As shown in the Annex, among the 21 countries covered by this document, only four, namely, Argentina, Brazil, Chile and Japan, do not provide for any registration of collective or certification marks. This, however, does not exclude that those countries admit the registration of marks in the name of an association for the benefit of the members of the association.

6. There seems to be no country which, while expressly providing for the registration of collective marks or certification marks, excludes the possibility of registering any geographical indication as a collective mark or certification mark. However, six countries provide for certain limitations in that respect. Thus, Mexico excludes from registration as a collective mark proper or common geographical names and maps, ethnic designations when they indicate the origin of products or services, as well as names of towns or places known for the manufacture of certain products. Portugal, under its current law,

excludes from registration as a collective mark any mark which is exclusively composed of signs that may serve in commerce to designate the place of origin of products. The Russian Federation seems to exclude from registration as a collective mark any appellation of origin, thus allowing the registration only of other geographical indications. Spain excludes from registration as a collective mark or certification mark any Spanish appellation of origin relating to wine or other alcoholic beverages which are governed by their own specific provisions. Sweden excludes from registration as a collective mark any geographical indication unless it has acquired a distinctive character through long and extended use. The United Kingdom allows the registration of geographical indications as certification marks only for indications which, in fact, have been used only in connection with goods coming from the area concerned.

7. All the other countries covered by the survey (Australia, Canada, Côte d'Ivoire, France, Germany, Indonesia, Italy, Kenya, Malaysia, Switzerland, United States of America) in fact allow registration of a geographical indication as a certification mark or collective mark, applying the general conditions of protection of trademarks, in particular, the condition of distinctive character and the requirement that a registered mark has to be used within a certain period of time (in the United States of America, if the application for registration is filed with a declaration of actual use of the mark, the mark must be used in commerce (on the territory of the United States of America) even before filing the application; if the application is filed with a declaration of *bona fide* intention to use, the mark must be used before the registration is effected, unless the application is based on a registration in a foreign country; in any case, use is required within certain periods after registration). Some of those countries (Australia, Canada, Kenya, Malaysia) only provide for certification marks or certification trademarks. Other countries (Côte d'Ivoire, Germany, Indonesia, Italy) only provide for collective marks. The remaining countries either provide for both certification marks and collective marks (United States of America) or for collective marks and special kinds of collective marks, namely, collective certification marks and agricultural labels (France) or collective marks and guarantee marks (Switzerland). None of those countries makes a distinction between domestic or foreign geographical indications for the purposes of registration as a collective mark or certification mark.

8. When examining the current situation, it should be noted that there is a trend for facilitating the registration of geographical indications as collective marks or certification marks. This trend is reflected in the first Council Directive of the European

Communities of December 21, 1988, to approximate the laws of the Member States related to trade marks. Article 15(2) of that Directive allows Member States to provide that signs or indications which may serve, in trade, to designate the geographical origin of goods or services may constitute collective marks, guarantee marks or certification marks. This provision derogates from Article 3(1)(c) of the Directive according to which trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the geographical origin of goods or services are excluded from registration. The option offered by the Directive has been or will be taken into account by new laws enacted or under preparation in Member States of the European Communities. It can be expected that this trend of facilitating the registration of geographical indications as collective marks or certification marks will be followed also in other countries.

ANNEX

Summarized Information on Protection of Geographical Indications Through Registration of Collective Marks or Certification Marks

1. *Argentina.* The Law on Trademarks and Designations (No. 22.362 of December 26, 1980) does not expressly provide for the registration of collective marks or certification marks.

2. *Australia.* The Trade Marks Act 1955 as last amended in 1989 deals in Part XI (Sections 83 to 92) with certification trademarks. According to Section 83, a mark adopted in relation to goods or services to distinguish in the course of trade the goods or services, as the case may be, certified by a person or by another person authorized by the first-mentioned person in respect of quality, accuracy or other characteristic, including, in the case of goods, origin, material or mode of manufacture, from goods or services, as the case may be, not so certified, may be registered as a certification mark in respect of those goods or services in the name of the applicant as proprietor except where that person carries on a trade in goods of the kind certified or a trade of the provision of services of the kind certified. Section 86(1)(b) requires the applicant to submit draft rules governing the use of a certification mark for consideration by the Registrar. The conditions and scope of protection of registered certification marks are substantially the same as for trademarks, and the use requirement applies. Therefore, it appears that a geographical indication, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, may be registered as a certifi-

cation mark and that the geographical origin of a product or a service may be a condition for the use of a certification trademark. Thus, the registration of a geographical indication as a certification trademark can serve to exclude the use of the geographical indication for products or services not originating from the geographical area referred to, whether this area is in Australia or abroad.

3. *Brazil.* The Industrial Property Code of December 21, 1971 (Law No. 5772/71) does not expressly provide for the registration of collective or certification marks.

4. *Canada.* According to Section 2 of the Trade-marks Act as in force since December 12, 1988, certification mark is defined as a mark that is used for the purpose of distinguishing or so as to distinguish wares or services that are of a defined standard with respect to, *inter alia*, the area within which the wares have been produced or the service performed, from wares or services that are not of that defined standard. The same Section provides that an owner in relation to a certification mark means the person by whom the defined standard has been established. Section 23 provides that, in order to require the registration of a certification mark, its owner must not be engaged in the sale, leasing or hiring of wares or the performance of services such as those in association with which the said owner has established the defined standard; the holder may, however, authorize third parties to use that mark in association with wares or services which conform to the defined standard and that use will accordingly be deemed to be use by the owner. It should further be noted that an application for the registration of a certification mark can only be filed in Canada on the basis of effective use of that mark in Canada. Furthermore, Section 25 provides that a certification mark which is descriptive of the place of origin of wares or services, and not confusing with any registered trademark, is registrable if the applicant is the administrative authority of a country, state, province or municipality including or forming part of the area indicated by the mark, or is a commercial association having an office or representative in that area. The owner of any mark registered under that Section must permit the use of the mark in association with any wares or services produced or performed in the area of which the mark is descriptive. Thus, it appears that a geographical indication may be registered as a certification trademark and that the geographical origin of a product may be a condition for the use of a certification trademark. Consequently, the registration of a geographical indication as a certification trademark can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, whether this area is in Canada or abroad.

5. *Chile*. The Law No. 19.039 Establishing the Rules Applicable to Industrial Property Titles and the Protection of Industrial Property Rights (of January 24, 1991) does not expressly provide for the registration of collective marks or certification marks.

6. *Côte d'Ivoire*. The Agreement Relating to the Creation of an African Intellectual Property Organization (Bangui Agreement) of March 2, 1977, provides for the registration of collective marks. According to Article 2(2) of Annex III of the Agreement, the marks for goods or services whose conditions of use are laid down by ministerial decision ("regulation") are to be considered as collective marks insofar as they are utilized solely by enterprises of public character, unions or groups of unions, associations, groups of producers, manufacturers, craftsmen or tradesmen, provided that they are officially recognized and have legal character. In the general interest and in order to facilitate the development of commerce, industry, crafts and agriculture, the State, enterprises of public character, unions of groups and associations of groups of producers, manufacturers, craftsmen and tradesmen may own collective marks for goods or services, provided that they are officially recognized and have a legal character (Article 31 of Annex III of the Agreement). The ministerial decision fixing the conditions of use of a collective mark has to be filed together with the application for registration. Furthermore, Article 32 of Annex III of the Agreement states that, without prejudice to the application of the provisions of Articles 2 and 3 of the Paris Convention for the Protection of Industrial Property, foreign groups in one of the aforementioned categories and who, in their own countries, may bring legal actions, shall enjoy the advantages of Annex III of the Agreement with regard to collective marks duly registered in their country of origin, subject to reciprocity of protection in the said country. Annex III of the Agreement does not fix other special conditions for the registration and protection of a collective mark so that it can be assumed that the general conditions (including the use requirement) apply. Thus, it appears that a geographical indication may, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, be registered as a collective mark and the geographical origin of a product can be a condition for the use of a collective mark. Consequently, the registration of a geographical indication as a collective mark can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, whether in Côte d'Ivoire or abroad.

7. *France*. (a) The Law of January 4, 1991, on Trademarks and Service Marks (Intellectual Property

Code, Part Two, Book VII) deals with collective marks in its Chapter V (entitled "Collective Marks"), in which a sub-category is called "Collective Certification Marks." Under Article 30 of the Law (Article L.715-1 of the Code), a collective mark is one that may be used by any person who complies with regulations for use issued by the owner of the registration, whereas a collective certification mark is affixed to goods or services that display, in particular, with regard to their nature, properties or qualities, the characteristics detailed in the respective regulations. French legislation contains specific provisions applicable solely to collective certification marks. A collective certification mark may be registered only by a legal person who is neither the manufacturer nor the importer nor the seller of the goods or services. Proof of the approval of the certifying organization by the competent authority has to be provided at the time of filing. The registration of a collective certification mark must comprise regulations setting out the conditions to which use of the mark is subject. Proof of the approval of the regulations by the competent authority has to be provided at the time of filing. Use of a collective certification mark is open to all persons, other than the owner, who supply goods or services satisfying the conditions laid down by the regulations. An application for registration is rejected if it does not satisfy the requirements laid down by the law applicable to certification. The Intellectual Property Code moreover establishes the principle according to which this type of mark may not be subject to assignment, pledge or any measure of enforcement. Where a collective certification mark has been used and has ceased to be protected by law, it may be neither registered nor used for any purpose whatsoever during a period of 10 years. As the Law does not lay down any other specific conditions on the registration and protection of collective certification marks, it may be assumed that the general conditions apply. It would seem, therefore, that a geographical indication could, subject to compliance with the general conditions of protection (notably distinctive character), be registered as a collective certification mark, and that the geographical origin of a product or service could be one of the conditions governing the use of a collective mark or a collective certification mark. Consequently the registration of a geographical indication as a collective certification mark could be used to prohibit the use of the geographical indication for goods or services that do not come from the geographical area in question, whether that area is in France or abroad.

(b) With regard to agricultural products, another form of collective mark, namely the "agricultural label," is provided for notably in Decree No. 83-507 of June 17, 1983, on Agricultural Labels, as last amended on September 20, 1990. An agricultural label is a collective mark attesting that a foodstuff or

an unprocessed, non-food agricultural product (such as cereal seed) has a set of predetermined specific characteristics, and stating conditions of quality. An agricultural label may be a national label (known as a "red label") or a regional label, the latter relating to characteristics that are typical or representative of a given region or traditional in relation to it. Products covered by an appellation of origin and certain categories of wines cannot be protected with agricultural labels. The agricultural label is registered in the name of the entity that has control over its use. The application of the Decree in question is not confined to French products, but only very limited use has been made to date of the possibility of applying it to foreign products.

8. *Germany.* The Trademark Law of January 2, 1968, as last amended in 1979, deals in its Articles 17 to 23 with collective marks. Collective marks may be registered for associations having legal personality which pursue commercial or industrial aims or legal entities constituted under public law, for the purposes of marking goods of their members' enterprises. In order to obtain the registration of a collective mark, regulations governing the use of the collective mark by the group of persons entitled to the use must be submitted together with the application. The law does not fix other special conditions for the registration and protection of collective marks so that it can be assumed that the general conditions (including the use requirement) apply. Thus, it appears that a geographical indication may, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, be registered as a collective mark and the geographical origin of a product can be a condition for the use of a collective mark. Consequently, the registration of a geographical indication as a collective mark can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, whether in Germany or abroad. A new law is under preparation, which will contain more detailed provisions on collective marks, in particular, expressly providing that a geographical indication can be registered as a collective mark.

9. *Indonesia.* The Law of the Republic of Indonesia No. 19 of 1992 Concerning Trademarks provides for the registration of collective marks. According to Article 1(4) of the Law, a collective mark is a mark used on goods or services with the same characteristics as jointly traded by several persons or legal entities, in order to distinguish them from other goods or services of the same kind. The Law does not fix other special conditions for the registration and protection of a collective mark so that it can be assumed that the general conditions apply. Thus, it appears that a geographical indication may, provided that the general conditions of protection (in partic-

ular, distinctive character) are fulfilled, be registered as a collective mark and the geographical origin of a product can be a condition for the use of a collective mark. Consequently, the registration of a geographical indication as a collective mark can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, whether in Indonesia or abroad.

10. *Italy.* (a) The Royal Decree No. 929 of June 21, 1942, as amended by the Legislative Decree No. 480 of December 4, 1992, deals in its Article 2 with collective marks. According to this Article, legal entities which certify the origin, the nature or the quality of certain goods or services may apply for the registration of a collective mark. They may use the collective mark themselves or authorize manufacturers or merchants to use such mark. The application for the registration of a collective mark must be accompanied by the regulations governing the use of the collective mark, the control thereof and the relevant sanctions in the case of noncompliance with the regulations. The registration of a collective mark is limited to those goods or services whose origin, nature or quality is controlled by the entity owning the collective mark in accordance with its statute. According to Article 2(3), these provisions are also applicable to foreign collective marks registered in their country of origin, provided that reciprocity of treatment is granted for marks originating from Italy.

(b) Article 2(4) allows the registration of geographical indications as collective marks. In order to be registrable, a collective mark consisting of a geographical indication has to comply with the general requirements of trademark law (in particular, distinctive character) and with the special requirements for the registration of collective marks. Such mark can serve to prohibit the use of a geographical indication for products not originating from a specific area, whether in Italy or abroad. However, the registration of a geographical indication as a collective mark is refused in cases where such registration would collide with existing prior rights, or where it would result in an unjustified privilege for the owner of the collective mark. The registration of a geographical indication as a collective mark cannot serve to prohibit the use of that indication by third parties in the course of their trade if such use does not constitute unfair competition.

11. *Japan.* The Trademark Law of April 13, 1959, as last amended in 1993, does not contain any provisions relating to certification marks or collective marks. However, a geographical indication is not excluded from trademark registration *per se*. It can be registered as a trademark, provided that it fulfills the general conditions for registration (in particular, distinctive character) and does not fall into the categories of unregistrable marks (e.g., because it would

be misleading as to the quality of the goods or services). Consequently, where a geographical indication was registered as a trademark, the registration can serve to exclude the use of the geographical indication for products or services not originating from the geographical area referred to, whether this area is in Japan or abroad.

12. *Kenya*. The Trade Marks Act 1956 (revised edition 1963), as last amended in 1990, deals with certification trademarks. According to Section 40(1), a mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified may be registered as a certification trademark in respect of those goods in the name, as proprietor thereof, of that person, except where that person carries on a trade in goods of the kind certified. The conditions and scope of protection of registered certification trademarks are substantially the same as for trademarks, and the use requirement applies. Thus, it appears that a geographical indication, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, may be registered as a certification trademark and that the geographical origin of a product may be a condition for the use of a certification trademark. Consequently, the registration of a geographical indication as a certification trademark can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, whether this area is in Kenya or abroad.

13. *Malaysia*. The Trade Marks Act 1976 provides for the protection of certification trademarks but does not contain any provision relating to collective marks. According to Section 56(1), a mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified may be registered as a certification trademark in respect of those goods in the name of that person as proprietor thereof except where that person carries on a trade in goods of the kind certified. The conditions and scope of protection of registered certification trademarks are substantially the same as for trademarks, and the use requirement applies. It appears that a geographical indication, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, may be registered as a certification trademark and that the geographical origin of a product or a service, whether in Malaysia or abroad, may be a condition for the use of a certification trademark.

14. *Mexico*. The Law on the Promotion and Protection of Industrial Property of June 25, 1991, provides

for the protection of collective marks. Section 96 stipulates that legally incorporated associations of producers, manufacturers, traders or providers of services may apply for registration of a collective mark to distinguish the products or services of their members on the market from those of others not belonging to the association concerned. A list of the members of the association and the rules for the use of the mark have to be filed together with the application for registration. According to Section 98, first paragraph, a collective mark may not be transferred to third parties, and its use is reserved for association members. In the absence of special provisions, the general provisions on marks contained in the Law on the Promotion and Protection of Industrial Property are applicable (Section 98, second paragraph). Not registrable as collective marks are, *inter alia*, proper or common geographical names and maps, and also ethnic designations when they indicate the origin of certain products or services and can cause confusion or error regarding such origin (Section 90(x)). Further are excluded from registration the names of towns or places known for the manufacture of certain products, in respect of those products, but not the names of places in private ownership when they are special and not liable to be confused, and when the consent of the owner has been obtained (Section 90(xi)). Thus it seems that in Mexico only some but not all geographical indications can be registered as a collective mark.

15. *Portugal*. The Industrial Property Act of August 24, 1940, as last amended by the Decree-Law No. 27/84 of January 18, 1984, refers in Article 76(5) to collective marks. According to this Article, trade associations and corporate bodies have the right to use a mark to distinguish the products of their activities or originating from certain regions in conformity with their objects and in the terms of their respective Articles or Charters of Associations. The regulations that govern the aforementioned bodies must contain the conditions under which the mark is to be used, the rights and obligations of the interested parties in case of usurpation or infringement and a list of the persons who have the right to use the mark (Article 76(5)(1)). However, Article 79(1) provides that marks which are exclusively composed of signs that may serve in commerce to designate, *inter alia*, a place of origin of products cannot constitute a mark. Thus it seems that in Portugal currently only some but not all geographical indications are registrable as collective marks. A new law is under preparation, which will contain more detailed provisions concerning collective marks and certification marks.

16. *Russian Federation*. The Law on Trade and Service Marks and Appellations of Origin of October 17, 1992, provides in its Articles 20 and 21 for

the registration and protection of collective marks. Applications for the registration of a collective mark may be filed by a union of enterprises, an economic association or any other free association of enterprises which produces products or puts them into circulation. The application for registration must contain the regulations which govern the use of the collective mark by the entitled enterprises. The Law does not stipulate any particular conditions for the registration and protection of collective marks. Accordingly, they are governed by the general provisions of the Law (including the obligation of use of the mark). The only exception is to be found in the rule that a collective mark and the right to use it cannot be transferred to third parties. Thus it appears that a geographical indication may, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, be registered as a collective mark on the understanding that the geographical indication must indicate the source of the products. Whether an appellation of origin can constitute a collective mark (or a non-protected element of a collective mark) seems to require clarification. To the extent that a geographical indication can be registered as a collective mark, such registration can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, regardless of the country in which that area is located.

17. *Spain.* The Trademark Law of 1988 deals in Title VI (Articles 58 to 72) with collective marks and certification marks. According to Article 58, associations of producers, manufacturers or traders or suppliers of services may apply for the registration of collective marks to distinguish the goods or services of their members in the marketplace from the goods or services of those who do not belong to the same association. According to Article 62(1), a certification mark (*marca de garantía*) is a sign or device that certifies the common characteristics, particularly the quality, components and origin, of the goods and services made or distributed by persons duly authorized and supervised by the proprietor of the mark. For the registration of both a collective mark and a certification mark, a regulation for the use of the mark must be submitted. Article 66(1) provides that geographical names may be registered as collective or certification marks. However, according to Article 62(2), which concerns certification marks, registration as "marks" may not be obtained for Spanish appellations of origin relating to wine and other alcoholic beverages which are governed by their own specific provisions. The Law does not fix other special conditions for the registration and protection of collective marks or certification marks so that it can be assumed that the general conditions (including the use requirement) apply. Thus, it appears that a geographical indication

may, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, be registered as a collective mark or certification mark and the geographical origin of a product can be a condition for the use of a collective mark or, with the exception of appellations of origin relating to wine and other alcoholic beverages, of a certification mark. Consequently, the registration of a geographical indication as a collective mark or certification mark can serve to exclude the use of the geographical indication for products or services not originating from the geographical area referred to, whether this area is in Spain or abroad. Furthermore, such registration confers the right to use the geographical indication as a mark on the producers and traders who are established in the respective area, provided that they comply with the regulation for the use of the mark. Article 71(c) of the Law provides that a geographical sign which consists of a collective mark or a certification mark loses its validity if the owner of the mark denies membership of the association to a person who fulfills the conditions of membership provided for in the regulation. The same applies where the owner of a certification mark refuses arbitrarily to authorize use of the mark by a person who fulfills the conditions of the regulations concerning the use of the mark. However, the same Article provides that a collective mark or certification mark does not lose its validity if a court has recognized the right of such a person to become a member of the association.

18. *Sweden.* According to the Collective Marks Act of 1960, associations of traders may, in the same manner as provided for in the Trade Marks Act of 1960, acquire through registration or establishment the sole right in a trademark or other trade symbol that is used by a member in respect of goods or services which he offers for sale in his business. An application for registration of a collective mark must contain, in addition to the particulars required under the Trade Marks Act, particulars of the rules under which the collective mark may be used. The conditions for and scope of protection of collective marks are substantially the same as for trademarks. However, in order to be registrable, a collective mark has to be of a distinctive character. A mark which exclusively or with no more than minor changes or additions indicates, *inter alia*, the geographical origin of the product or the service, is not in itself deemed to be distinctive. Nevertheless, a mark can acquire distinctive character through long and extended use. Consequently, protection of geographical indications through registration of collective marks is not, other than as an exception, possible under Swedish law. To the extent that a geographical name is registrable as a collective mark, such registration could serve to exclude the use of the geographical indication for products not

originating from the area referred to, whether that area is in Sweden or abroad.

19. *Switzerland.* The Federal Law on the Protection of Trademarks and Indications of Source of August 28, 1992, which entered into force on April 1, 1993, provides for the registration of collective marks and guarantee marks. According to Section 21(1) of the Law, a guarantee mark is a sign that is used by several enterprises under the control of the owner of the mark and which serves to guarantee the quality, geographical origin, type of manufacture or other characteristics common to goods or services of such enterprises. Paragraph (2) of the same Section provides that a guarantee mark may not be used for goods or services of the owner of the mark or of an enterprise with which he has close economic connections. Paragraph (3) of Section 21 stipulates that the owner of the guarantee mark must permit any person to use it, in return for suitable remuneration, for goods or services that possess the common characteristics guaranteed under the regulations for the mark. According to Section 22 of the Law, a collective mark is a sign of an association of manufacturing, trading or service enterprises that serves to distinguish the goods or services of the members of the association from those of other enterprises. According to Section 23 of the Law, the applicant for registration of a collective or guarantee mark must file with the Federal Office regulations on the use of the mark. The regulations for guarantee marks must designate the common characteristics of the goods or services which the mark is intended to guarantee. They must further provide for effective control over the use of the mark and for appropriate penalties. The regulations for collective marks must designate those enterprises that are entitled to use the mark. Thus it appears that a geographical indication may, provided that the general conditions of protection (in particular, distinctive character) are fulfilled, be registered as a guarantee mark or a collective mark and that the geographical origin can be a condition for the use of such a mark. Consequently, the registration of a geographical indication as a guarantee mark or a collective mark can serve to exclude the use of the geographical indication for products not originating from the geographical area referred to, whether in Switzerland or abroad.

20. *United Kingdom.* The Trade Marks Act 1938 as last amended in 1988 deals in Section 37 with certification trademarks. According to Section 37(1), a mark adapted in relation to any goods to distinguish in the course of trade goods certified by any person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not so certified may be registered as a certification trademark in respect of those goods in the name, as proprietor thereof, of that person, except where that

person carries on a trade in goods of the kind certified. The conditions and scope of protection of registered certification trademarks are substantially the same as for trademarks, and the use requirement applies. However, while some geographical indications have been registered as certification marks, it is, in general, difficult to register a geographical indication as a trademark in the United Kingdom. While the law does not exclude absolutely the registration of such indications, case law leads to the result that a geographical name may be registered only if there is compelling evidence that it is both factually and inherently distinctive. It may, however, be less difficult to register such an indication as a certification mark than as an ordinary trademark. While an ordinary trademark must be adapted to distinguish the goods of the proprietor from the goods of another person, in the case of a certification mark it is necessary only to be adapted to distinguish goods which are certified (i.e., which comply with the regulations governing the use of the mark) from goods which are not certified. Provided, therefore, that it is established that the indication has in fact been used only in connection with goods coming from the area concerned, and that the regulations governing the mark allow its use by any producer in that area whose goods comply with the regulations, it may be possible to register a geographical indication as a certification trademark. Such registration would then serve to exclude the use of the geographical indication for goods not originating in the geographical area referred to, whether this area is in the United Kingdom or not. When the United Kingdom implements the First Council Directive of December 21, 1988, of the European Communities to approximate the laws of the Member States relating to trademarks, it should become easier to register a geographical indication as a trademark, because Article 3(3) of the Directive prohibits the refusal of a mark which has acquired a distinctive character through use. Moreover the United Kingdom intends to take advantage of Article 15(2) of the Directive, which provides for the registration of geographical indications as certification marks or collective marks.

21. *United States of America.* (a) The Trademarks Act of 1946 as amended (United States Code, Title 15, Chapter 22, Sections 1051 *et seq.*) deals in Section 4, 15 U.S.C. 1054, with collective marks and certification marks. Section 4, 15 U.S.C. 1054, reads as follows:

"Subject to the provisions relating to the registration of trademarks, so far as they are applicable, collective and certification marks, including indications of regional origin, shall be registrable under this chapter, in the same manner and with the same effect as are trademarks, by persons, and nations, States, municipalities, and the like, exercising legitimate control over the use of the marks sought to be registered, even though not possessing an industrial or commercial estab-

lishment, and when registered they shall be entitled to the protection provided in this chapter in the case of trademarks, except in the case of certification marks when used so as to represent falsely that the owner or a user thereof makes or sells the goods or performs the services on or in connection with which such mark is used. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks."

Section 45, 15 U.S.C. 1127, contains the following definitions of collective mark and certification mark:

"The term 'collective mark' means a trademark or service mark—

(1) used by the members of a cooperative, an association, or other collective group or organization, or

(2) which such cooperative, association, or other collective group or organization has a *bona fide* intention to use in commerce and applies to register on the principal register established by this Act,

and includes marks indicating membership in a union, an association, or other organization;"

"The term 'certification mark' means any word, name, symbol, or device, or any combination thereof—

(1) used by a person other than its owner, or

(2) which its owner has a *bona fide* intention to permit a person other than the owner to use in commerce and files an application to register on the principal register established by this Act,

to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person's goods or services or that the work or labor on the goods or services was performed by members of a union or other organization."

The definition of certification mark contains an express reference to the regional or other origin of goods or services. Thus, geographical indications can—and have been—registered as certification marks whether the geographical area referred to is in the United States of America or abroad. Geographical indications theoretically also could be registered as collective marks but there is no practical advantage compared with the registration as a certification mark.

(b) For both collective marks and certification marks the general conditions of protection and the provisions on scope of protection apply. However, geographical indications may be registered as collective and certification marks without the requirement for proof of distinctiveness of the geographical term. Moreover, the requirements of a declaration of actual use or a declaration of *bona fide* intention to use apply, provided that the applicant (i.e., the cooperative association or other collective group or organization in the case of a collective mark, or, in the case of a certification mark, the union or other organization) declares actual use or *bona fide* intent to use not by itself, but by the parties entitled to use the collective mark or the certification mark.

(c) A foreign cooperative or association which wants to protect a geographical indication through registration as a certification mark or collective mark in the United States of America can file an applica-

tion for registration based on any of the following four grounds: (i) use in commerce (Section 1(a), 15 U.S.C. 1051(a)), (ii) intention to use (Section 1(b), 15 U.S.C. 1051(b)), (iii) intention to use and a foreign application (Section 44(d), 15 U.S.C. 1126(d)), or (iv) intention to use and a foreign registration (Section 44(e), 15 U.S.C. 1126(e)). The different ways of obtaining a registration can be summarized as follows: An application for registration of a collective mark or certification mark may be based, in addition to *bona fide* intention to use the mark, on a foreign prior registration or on a foreign application, if the applicant originates from a qualifying country (i.e., a country which is a party to any convention or treaty relating to trademarks, trade or commercial names, or the repression of unfair competition, to which the United States of America is also a party, or which extends reciprocal rights to nationals of the United States of America by law), and if the registration or priority date has been obtained in such a qualifying country. In this case, actual use of the mark in the United States of America need not be shown before the registration. However, in the case of an application which is based on a foreign application, registration cannot be obtained before a registration is granted for the foreign priority application. If it is not possible to base the application for registration on a foreign registration or a foreign filing priority, it may be based on use in commerce or merely on intention to use. In any application based on use in commerce, the applicant must assert use of the mark in commerce on or in connection with the identified goods or services, specifying the type of commerce, and, for each class, must specify the dates of first use, submit a specimen evidencing such use and indicate the mode or manner in which the mark is used on or with the goods or services (mere token use not being recognized as use in commerce). Commerce is defined as all commerce which may lawfully be regulated by Congress of the United States of America (Section 45, 15 U.S.C. 1127). In any intention to use application, the applicant must assert a *bona fide* intention to use the mark in commerce on or in connection with the identified goods or services. If the application is based on intention to use, the applicant must, prior to registration, file an allegation of use. Allegations of use have to be filed within six months from the issuing of the notice of allowance. This six-month period may be, under certain conditions, extended up to a maximum of 36 months.

(d) To maintain a valid registration, the mark must be used in commerce, even if use was not required for registration. According to Section 8, 15 U.S.C. Section 1058, a registrant has to file an affidavit or a declaration of use of the mark in commerce for the specified goods or services, as well as specimens and other requirements, between

the fifth and sixth anniversary of registration. Section 9, 15 U.S.C. 1059, requires an affidavit and evidence of use of the mark in commerce to renew a registration. Non-use for two years creates a

presumption of abandonment (Section 45, 15 U.S.C. 1127), and a registration which has been abandoned is liable for cancellation.

Permanent Committee on Industrial Property Information (PCIPI)

Fourth Session
(Geneva, September 21, 1993)

The Permanent Committee on Industrial Property Information (PCIPI) held its fourth session in Geneva on September 21, 1993. The following 36 members of the Permanent Committee were represented at the session: Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Czech Republic, Denmark, Finland, France, Germany, Hungary, Japan, Latvia, Malawi, Monaco, Mongolia, Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Zambia, African Regional Industrial Property Organization (ARIPO), European Patent Office (EPO). The Patent Documentation Group (PDG) was represented by an observer.

Regarding a proposal made to the Assembly of the International Patent Classification (IPC) Union by the International Bureau that IPC revision work be transferred from the PCIPI Working Group on Search Information (PCIPI/SI) to a working group to be created under the IPC Committee of Experts, and

that responsibility for the selection of IPC revision requests be transferred from the PCIPI's Executive Coordination Committee (PCIPI/EXEC) to the IPC Committee of Experts, the Permanent Committee recommended to the Assembly of the IPC Union that no change be made to the present system, in other words that IPC revision work continue to be done by the PCIPI/SI and that the selection of the IPC revision requests continue to be done by the PCIPI/EXEC. This was decided by the IPC Union Assembly at its session held during the meeting of the Governing Bodies of WIPO and of the Unions administered by WIPO in September 1993. The Permanent Committee noted with approval the summary of the reports of the ninth, tenth, eleventh and twelfth sessions of the PCIPI/EXEC, and approved the draft report of the Director General to the September 1993 sessions of the Assemblies of the Paris, IPC and PCT (Patent Cooperation Treaty) Unions on the activities of the PCIPI in 1992 and the first half of 1993.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

PCT Committee for Technical Cooperation (PCT/CTC)

Sixteenth Session
(Geneva, September 21 and 22, 1993)

The PCT Committee for Technical Cooperation (PCT/CTC) held its sixteenth session in Geneva on September 21 and 22, 1993.¹

The following 35 members of the Committee were represented: Australia, Austria, Belgium, Brazil, Canada, China, Côte d'Ivoire, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Madagascar, Malawi, Monaco, Mongolia, Netherlands, Norway, Portugal, Republic of Korea, Russian Federation, Slovakia, Spain, Sudan, Sweden, Switzerland, Ukraine, United Kingdom, United States of America, Viet Nam, European Patent Office (EPO).

The Committee unanimously recommended to the Assembly of the PCT Union that it approve a draft agreement between the Spanish Patent and Trade-mark Office and WIPO and appoint that Office as an International Searching Authority with effect from the entry into force of the agreement. The agreement entered into force on September 22, 1993. The Assembly of the PCT Union later adopted the recommendations of the Committee.

Training and Promotion Meetings With PCT Users

China. In September 1993, a government official had discussions with WIPO officials in Geneva on the draft Chinese PCT implementing regulations.

¹ For a note on the fifteenth session, see *Industrial Property*, 1993, p. 321.

France. In September 1993, a WIPO official spoke at a PCT seminar organized in Paris by Institut für Management Forum, an enterprise in Heidelberg (Germany), which was attended by seven representatives from French industry and a number of attorneys from France and Belgium.

United States of America. In late September and early October 1993, a WIPO consultant from the United States of America spoke on the PCT at a patent bar review course held at George Washington University Law School, Washington, D.C.

Center for the International Study of Industrial Property (CEIPI). In late September and early October 1993, five WIPO officials spoke at a PCT seminar organized by CEIPI in Geneva for CEIPI tutors. Forty-three participants from Belgium, France, Germany, Italy, the Netherlands, Portugal, Sweden, Switzerland and the United Kingdom attended the seminar.

Computerization Activities

European Patent Office (EPO). In September 1993, a WIPO official attended the third session, in The Hague, of the EPO's Steering Committee on the EASY system, which provides for the filing of patent applications in electronic form (on diskettes and via telecommunication links).

Also in September 1993, a WIPO official attended the 33rd session, in Berne, of the EPO's Working Party on Technical Information, which discussed, *inter alia*, the progress of the EASY project.

Madrid Union

Application of Rule 38 of the Madrid Regulations (Successor States) With Respect to the Former Yugoslav Republic of Macedonia

In September 1993, in accordance with the above Rule, the International Bureau sent notices to owners (or agents of owners) of 123,264 international registrations containing a territorial extension to Yugoslavia, informing them of the possibility of requesting—within six months from the mailing date of the notices—the continuation of the effects of such registrations in the former Yugoslav Republic of Macedonia.

Training and Promotion Meetings With Users of the Madrid System

Intellectual Property Society of Australia (IPS). In September 1993, a WIPO official spoke on the

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks at an IPS meeting held in Melbourne (Australia). The meeting was attended by some 90 members of IPS.

Computerization Activities

France. In late September and early October 1993, at the invitation of the National Institute of Industrial Property (INPI) in Paris, a WIPO official gave presentations of WIPO's ROMARIN (Read-Only memory of Madrid Actualized Registry Information) CD-ROM product to some 70 persons, mainly attorneys from the Paris region but also staff members from the Paris headquarters and regional offices of INPI.

Germany. In September 1993, a WIPO official visited the German Patent Office in Munich to discuss the terms on which WIPO would produce a ROMARIN-type CD-ROM for German marks.

Hague Union

Committee of Experts on the Development of the Hague Agreement Concerning the International Deposit of Industrial Designs

Fourth Session
(Geneva, January 31 to February 4, 1994)

DRAFT NEW ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

Introduction

1. The Program of WIPO for the 1994-95 biennium (document AB/XXIV/2, page 44, Item 13(4)), provides that "the International Bureau will prepare, convene and service meetings of the Committee of Experts on the Development of the Hague Agreement to finalize the preparations for a revision of the Hague Agreement. The revision is expected to introduce in the system further flexibility which should make it possible for States not yet party to the

Agreement to adhere to the future new Act of it. The new Act should make the system more attractive for applicants."

2. Three previous sessions of the Committee of Experts have been held, the first in April 1991, the second in April 1992 and the third in April 1993.¹

3. At its third session, the Committee of Experts considered the substantive clauses of a draft new Act of the Hague Agreement. The present document

¹ For the notes on the first, second and third sessions, see *Industrial Property*, 1991, pp. 246, 1992, pp. 184, and 1993, pp. 240, respectively.

contains a revised version of the substantive clauses of the draft new Act, as well as a first draft of the administrative and final clauses of the draft new Act.

4. The draft new Act has been prepared with the objective, *inter alia*, of expanding the geographical coverage of the Hague system for the international registration of industrial designs. The attainment of that objective necessarily involves the addition of a number of new features to the procedure for international deposit under the 1960 Act of the Hague Agreement in order to accommodate the differing requirements of, in particular, countries whose law requires the examination of applications as to substance. Those new features, however, have been added in such a way as to form an additional layer to the procedure under the 1960 Act, which additional layer would apply only where an applicant seeks protection in a country whose law requires the examination of applications as to substance. They are, therefore, the necessary price of expanded geographical coverage and constitute requirements that an applicant would need to satisfy in any case in seeking protection via the national route. The international system would still offer the cost and efficiency advantages of a single procedure. In addition, where the applicant wished to obtain protection in only those countries at present party to the 1960 Act, he could do so pursuant to essentially the same procedure that applies under the 1960 Act without being encumbered by the additional layer, since that additional layer would apply only to the prospective new member States whose domestic systems require the fulfillment of conditions additional to those of the 1960 Act.

5. The *main* features of the revised system for the international registration of industrial designs under the Hague Agreement envisaged by the draft new Act contained in the present document are as follows:

(i) Both States and "regional organizations" would be eligible to become party to the new Act (see the definition of "Contracting Party" in Article 1(xi) and Article 25(1)). The types of organization which would qualify as "regional organizations" eligible to become party to the proposed new Act are defined in Article 1(x).

(ii) The title of the Hague Agreement would be changed so that the words "international deposit" are replaced by the words "international registration" (see Article 1(i)). Similarly, throughout the draft new Act, the term "international registration" is used instead of the term "international deposit."

(iii) Applicants may file an international application, at their option, either direct with the International Bureau, or indirectly through the intermediary of the Office of a Contracting Party (see Arti-

cle 3(1)). The international application would be accorded a date of receipt, which would be, where the international application is filed direct with the International Bureau, the date of its receipt by the International Bureau, and, where the international application is filed indirectly, the date of its receipt by the Office through the intermediary of which it is filed (Article 3(2)). The revised system does not envisage any role on the part of an Office through which an international application is filed in checking the formalities of the international application. Rather, the formalities examination would be undertaken by the International Bureau in the case of applications filed both directly and indirectly. However, an Office through which an international application is filed would, where its law requires, review an international application for the purpose of granting security clearance before transmitting that application to the International Bureau. For that purpose, a period of three months is allowed for the transmission by a concerned Office to the International Bureau of an international application filed indirectly (Article 3(3)).

(iv) In order to accommodate the varying requirements of the different national and regional systems for the registration of industrial designs, the revised system envisages three different categories of requirements that must or may be satisfied in an international application.

(a) The *first* category covers the requirements that all international applications, regardless of which Contracting Parties are designated, must satisfy in order for the industrial design that is the subject of the international application to be registered in the International Register. The requirements in the first category correspond to those requirements which would need to be satisfied in all Contracting Parties in a national (or regional) application in order for a filing date to be accorded to the national (or regional) application under the law of each of those Contracting Parties. The requirements in this first category are set out in Article 4(1).

(b) The *second* category covers certain additional requirements that must be satisfied in an international application where certain Contracting Parties whose Offices examine applications as to substance and that have notified those additional requirements are designated in the international application. The requirements in the second category correspond to those requirements that, in addition to the requirements in the first category, would need to be satisfied in a national (or regional) application in order for that application to be granted a filing date in the designated Contracting Party that has notified the requirements. The requirements in the second category are set out in Article 4(2). Contracting Parties

may not, however, simply notify any additional requirement. Rather, in the interests of keeping the international system as simple as possible, the list of additional requirements that may be notified is limited (see Article 4(2)(b)).

(c) The *third* category covers certain requirements further to those contained in the first and second categories that also concern only Contracting Parties whose Offices examine applications as to substance. They are set out in Article 4(3). They are not, however, mandatory requirements for the purposes of the international application and an international registration may be obtained in all Contracting Parties on the basis of an international application that does not satisfy the requirements in the third category (assuming, of course, that the requirements of the first and, where appropriate, second categories are satisfied). Rather, the requirements in the third category concern those matters that must be satisfied in certain designated Contracting Parties in order for the international registration to be considered as having the effect of a national (or regional) registration. They thus correspond to requirements under the national (or regional) law of the designated Contracting Parties that must be satisfied, not for the purpose of obtaining a filing date, but for the purpose of the grant of protection. Failure to satisfy any such requirements in the international application may form the basis of a refusal on the part of the concerned designated Contracting Party of the effect of the international registration. As with the additional requirements contained in the second category, the further requirements in the third category must be notified to the Director General in a declaration by any Contracting Party requiring their fulfillment for the grant of protection. Similarly, in the interests of simplicity, the list of further requirements in the third category that Contracting Parties may notify is also limited (see Article 4(3)(b)).

(v) The date of an international registration would be the date of receipt (see subparagraph (iii), above) of the international application (Article 7(1)), subject to provisions requiring the postponement of the date of international registration in the case of certain irregularities (see Article 7(2)(ii)).

(vi) The international application may contain a request for deferment of publication (Article 4(5)). A flexible system is provided with respect to deferment of publication in order to accommodate differing national (or regional) approaches to deferment. Essentially, where an international application contains a request for deferment of publication, publication would be deferred for the shortest period of deferment recognized under the applicable laws of all of the designated Contracting Parties. Thus, if

two Contracting Parties were designated, and they recognized under their applicable laws deferment of publication for periods of 12 and 24 months, respectively, publication of the international application would be deferred for a period of 12 months. In any case, the maximum period of deferment of publication is 30 months. It is also possible for Contracting Parties not to recognize deferment of publication at all. If an international application containing a request for deferment of publication designated such a Contracting Party, the applicant would be notified by the International Bureau that deferment of publication was not possible in respect of that designated Contracting Party. If the applicant did not withdraw the designation of that Contracting Party within 30 days after the notification, the request for deferment of publication in the international application would be disregarded by the International Bureau.

(vii) Designated Contracting Parties may refuse the effect of an international registration (Article 9(1)). The normal period allowed for the communication of a refusal is *six* months (Article 9(2)(a)), but may be extended to either 24 or 30 months by a Contracting Party whose Office examines applications as to substance (Article 9(2)(b)).

(viii) In order to accommodate differing national (or regional) approaches to the stage at which protection commences, Contracting Parties must recognize an international registration as having two different effects, which may commence at different times. First, each designated Contracting Party must recognize an international registration as having, from the date of international registration, the same effect as a regularly filed application for the grant of protection (Article 10(1)). Secondly, the international registration must be recognized by each designated Contracting Party as having the same effect as a grant of protection under its applicable law at the latest from the expiration of the period allowed for the communication of a refusal (assuming that a refusal has not been communicated by the concerned Contracting Party (Article 10(2)).

(ix) The provisions on fees contain two features designed to attract wider participation in the revised system:

(a) The first such feature is designed to ensure that Contracting Parties whose Offices examine applications as to substance are adequately compensated for the work involved in the examination of an international registration to determine whether or not the effect of that registration should be refused. It allows Contracting Parties to replace the standard designation fee payable for each designated Contracting Party by an individual designation fee whose amount is determined, subject to certain limits, by the Contracting Party (Article 12(2)).

(b) The second feature is designed to make the revised system attractive to applicants which request deferment of publication in order, *inter alia*, to determine whether or not to proceed with the international registration on the expiry of the period of deferment. It provides that only a prescribed percentage of the international registration fee must be paid at the time of filing international application (Article 12(4)(a)), the balance being payable two months before the expiry of the period of deferment (Article 12(4)(b)).

(x) Subject to renewals being effected, each designated Contracting Party must recognize a minimum period of 15 years from the date of international registration before the expiration of the period of protection granted in respect of the international registration (Article 13(3)(a)). Any designated Contracting Party whose applicable law allows for a longer period of protection must recognize the equivalent, longer period of protection in respect of international registration (Article 13(3)(b)).

(xi) A saving provision is included (in Article 16) to confirm that the new Act would not affect any greater protection accorded by the applicable law of a Contracting Party or any protection accorded to works of art or works of applied art by international copyright treaties and conventions.

(xii) Contracting Parties would be members of the same Union as States party to the 1934 Act or the 1960 Act (see Articles 1(xxiv) and 18). Two provisions are included that are designed to ensure that the new Act would not come into force unless and until there are a sufficient number of Contracting Parties having sufficiently important activity in industrial design registration to ensure that the revised system would be a viable and attractive one:

(a) The first such provision is contained in Article 25(3)(b) and allows a State to make the deposit of its instrument of ratification or accession conditional on the deposit of an instrument of ratification or accession by another State or a regional organization, or two other States, or one other State and one regional organization.

(b) The second such provision provides that the new Act would not come into force until three months after the deposit of instruments of ratification or accession by six entities of which three fulfill one of several statistical conditions relating to applications for the protection of industrial designs (Article 26(2)).

(xiii) Provisions are included (in Article 28) regulating the relations between States that are party to the various Acts of the Hague Agreement. In essence, they provide for two States to apply between themselves the latest Act to which both are party.

6. In the working document prepared for the third session of the Committee of Experts, it was pointed

out that, since a new Act would constitute a revision of the Hague Agreement, usually the States or regional organizations not presently party to the Hague Agreement could not participate in the vote on the adoption of the new Act at the diplomatic conference convened for that purpose. It was suggested, however, that, since the principal purpose of the adoption of the new Act would be to attract new members, the existing members of the Hague Union might see the advantage in extending the right to more extensive participation in the diplomatic conference to States and regional organizations not at present party to the Hague Agreement (see document H/CE/III/2, paragraph 6). That suggestion was favorably received by a number of delegations at the third session of the Committee of Experts (see document H/CE/III/3, paragraphs 12, 14 and 15). The question of the manner in which non-members of the Union might participate in the diplomatic conference, however, is not one which arises for treatment in the draft new Act itself. Rather, it will be dealt with in the draft rules of procedure to be prepared and considered by the preparatory meeting that will be held prior to the diplomatic conference in order to make the necessary preparations for the diplomatic conference. The Program of WIPO for the 1994-95 biennium envisages that both the preparatory meeting and the diplomatic conference will be held in the course of the 1994-95 biennium (see document AB/XXIV/2, Item 13(4)).

7. Differences between the text of the draft new Act submitted to the third session (document H/CE/III/2) and the text of the draft new Act contained in the present document have been highlighted as follows: (i) words which did not appear in document H/CE/III/2 but appear in the present document are in italics, and (ii) the omission of words which appeared in document H/CE/III/2 from the present document is indicated by the sign <—>. However, italics have not been included in the case of the text of Articles 16 to 31, for which corresponding Articles did not appear in document H/CE/III/2 (with the exception of Article 27 (Declarations Made by Contracting Parties), which appeared as Article 14 in document H/CE/III/2). Nor are differences in the Notes highlighted.²

LIST OF ARTICLES

Article 1:	Abbreviated Expressions
Article 2:	Entitlement to File an International Application
Article 3:	<i>Filing of the International Application</i>
Article 4:	<i>Contents of the International Application</i>
Article 5:	Priority
Article 6:	International Registration; Correction of Irregularities and Publication
Article 7:	Date of International Registration
Article 8:	Deferment of Publication

² Not reproduced here.

Article 9:	Refusal of Effect; Remedies Against Refusals < - >
Article 10:	Effect of International Registration
Article 11:	Invalidation
Article 12:	Fees for International Application
Article 13:	Term and Renewal of International Registration
Article 14:	Recording of Change in Ownership and Certain Other Matters Concerning International Registra- tions
Article 15:	Information Concerning Published International Registrations
Article 16:	Applicability of Protection Accorded by National Laws and by Copyright Treaties
Article 17:	Common Office of Several States
Article 18:	Membership of the Hague Union
Article 19:	Assembly
Article 20:	International Bureau
Article 21:	Finances
Article 22:	Regulations
Article 23:	Revision of This Act
Article 24:	Amendment of Certain Articles by the Assembly
Article 25:	Becoming Party to This Act
Article 26:	Effective Date of Ratifications and Accessions
Article 27:	Declarations Made by Contracting Parties
Article 28:	Applicability of the 1934 and 1960 Acts
Article 29:	Denunciation of This Act
Article 30:	Languages of This Act; Signature
Article 31:	Depositary

Article 1 Abbreviated Expressions

For the purposes of this Act:

(i) "*the Hague Agreement*" means the *Hague Agreement Concerning the International Deposit of Industrial Designs*, as renamed the *Hague Agreement Concerning the International Registration of Industrial Designs*;

(ii) "this Act" means the Hague Agreement < - > as established by the present Act;

(iii) "international registration" means the international registration of an industrial design effected according to this Act;

(iv) "international application" means an application for international registration;

(v) "date of receipt of the international application" means the date established in accordance with Article 3(4);

(vi) "International Register" means the official collection of data concerning international registrations maintained by the International Bureau, which data this Act or the Regulations referred to in item (xxix) require or permit to be recorded, regardless of the medium in which such data are stored;

(vii) "person" means a natural person and a legal entity;

(viii) "applicant" means the person in whose name an international application is filed;

(ix) "holder" means the person in whose name an international registration is recorded in the International Register;

(x) "regional organization" means a regional intergovernmental organization or a

regional economic integration organization eligible to become party to this Act in accordance with Article 25(1)(ii);

(xi) "Contracting Party" means any State or regional organization party to this Act;

(xii) "territory of a Contracting Party" means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is a regional organization, the territory in which the constituent treaty of that regional organization applies;

(xiii) "Office" means the governmental or intergovernmental agency of a Contracting Party that is the competent authority for the grant of protection for industrial designs with effect in the territory of that Contracting Party;

(xiv) "Examining Office" means an Office which examines applications filed with it for the protection of industrial designs to determine whether the industrial designs satisfy the condition of novelty or any cognate condition required for the grant of protection under the law of the Contracting Party to which that Office belongs;

(xv) "designation" means a request that an international registration have effect in a Contracting Party; it also means the indication, recorded in the International Register, that the international registration has effect in that Contracting Party;

(xvi) "designated Contracting Party" and "designated Office" means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies;

(xvii) "notification of refusal" means the communication by a designated Office to the International Bureau pursuant to Article 9(2) of the refusal by it of the effect of an international registration in the Contracting Party to which that Office belongs < - >;

(xviii) "1934 Act" means the Act signed at London on June 2, 1934, of the Hague Agreement;

(xix) "1960 Act" means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;

(xx) "1961 Additional Act" means the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

(xxi) "Complementary Act of 1967" means the Complementary Act signed at Stockholm on July 14, 1967, as amended on September 28, 1979, of the Hague Agreement;

(xxii) "Union" means the Hague Union constituted by the Hague Agreement of November 6, 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act;

(xxiii) "Assembly" means the Assembly of the Union established by the Complementary Act of 1967;

(xxiv) “member of the Union” means a State party to the 1934 Act or the 1960 Act, or a Contracting Party;

(xxv) “member of the Assembly” means a Contracting Party or a State party to the Complementary Act of 1967;

(xxvi) “Organization” means the World Intellectual Property Organization;

(xxvii) “Director General” means the Director General of the Organization;

(xxviii) “International Bureau” means the International Bureau of the Organization;

(xxix) “Regulations” means the Regulations under this Act adopted by the Contracting Parties meeting in the Assembly;

(xxx) “prescribed” means prescribed in the Regulations;

(xxxi) “instrument of ratification” shall be construed as including instruments of acceptance or approval;

(xxxii) “Paris Convention” means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as revised and amended;

(xxxiii) “International Classification” means the Classification established by the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968, as amended.

Article 2

Entitlement to File an International Application

Any person that is a national of a State that is a Contracting Party or of a State member of a regional organization that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application.

Article 3

Filing of the International Application

(1) [Direct or Indirect Filing] (a) The international application may be filed, at the option of the applicant, either direct with the International Bureau, or through the intermediary of the Office of a Contracting Party which is

(i) a State of which the applicant is a national, or a regional organization of one of the member States of which the applicant is a national;

(ii) a Contracting Party in whose territory the applicant has a domicile; or

(iii) a Contracting Party in whose territory the applicant has a habitual residence; or

(iv) a Contracting Party in whose territory the applicant has a real and effective industrial or commercial establishment.

(b) Notwithstanding paragraph (1), any Contracting Party may, in a declaration, notify the Director General that international applications may not be filed through the intermediary of its Office.

(2) [Date of Receipt of the International Application] (a) The international application shall be accorded a date of receipt.

(b) Where the international application is filed direct with the International Bureau, the date of receipt shall be accorded by the International Bureau and shall be the date on which the International Bureau receives the international application.

(c) Where the international application is filed through the intermediary of an Office referred to in paragraph (1), the date of receipt shall be accorded by that Office and shall be the date on which that Office receives the international application.

(3) [Transmittal to the International Bureau of International Applications Filed Indirectly] Where the international application is filed through the intermediary of an Office referred to in paragraph (1), it shall be transmitted by that Office to the International Bureau promptly and, in any case, within three months from its date of receipt, failing which it shall be considered to have been withdrawn.

(4) [Modality of Payment of Prescribed Fees] (a) Where the international application is filed direct with the International Bureau, it shall be accompanied by the prescribed fees.

(b) Where the international application is filed through the intermediary of an Office referred to in paragraph (1), the applicant shall, at the time of filing the international application with that Office, pay the prescribed fees direct to the International Bureau.

(5) [Transmittal Fee in Case of Indirect Filing] (a) The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it as intermediary.

(b) The amount and the due date of the transmittal fee, if any, shall be fixed by the concerned Contracting Party and shall be notified by the Office of that Contracting Party to the International Bureau.

Article 4

Contents of the International Application

(1) [Mandatory Contents for All International Applications] <-> The international application shall be in the prescribed language and shall contain or be accompanied by

(i) a request for international registration under this Act;

(ii) indications concerning the applicant's identity, address and entitlement to file an international application under Article 2;

(iii) one reproduction or, at the choice of the applicant, more than one reproduction of the industrial design; *however*, where the industrial design that is the subject of the international application is two-dimensional and a request for deferment of publication is made in accordance with paragraph (5), the international application may, instead of one or more reproductions, be accompanied by a specimen of the industrial design;

(iv) an indication of the product or products which constitute the industrial design or in which the industrial design is used;

(v) the indication of the designated Contracting Parties;

(vi) the prescribed fees and any other prescribed particulars.

(2) [Additional Mandatory Contents for Certain Designations] (a) Any Contracting Party whose Office is an Examining Office and whose law, at the time that the Contracting Party becomes party to this Act, requires the fulfillment of conditions additional to those set out in paragraph (1) in order for an application for the grant of protection to an industrial design to be accorded a filing date may, subject to subparagraph (b), notify, in a declaration, the Director General of those additional conditions.

(b) The additional conditions that may be notified pursuant to subparagraph (a) may not concern any matters other than requirements that the application referred to in subparagraph (a) contain the following:

(i) indications concerning the identity of the creator of the industrial design that is the subject of that application;

(ii) the title of the industrial design that is the subject of that application;

(iii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application;

(iv) a claim.

(c) Where the international application contains the designation of a Contracting Party that has made a notification under subparagraph (a), it shall contain the elements needed to satisfy the additional conditions that have been notified by that Contracting Party.

(3) [Optional Contents Where Further Requirements Necessary for Grant of Protection] (a) Any Contracting Party whose Office is an Examining Office and whose law, at the time that the Contracting Party becomes party to this Act, requires the fulfillment of requirements additional to

those set out in paragraphs (1) and (2) in order for protection to be granted to an industrial design may, subject to subparagraph (b), notify, in a declaration, the Director General of those further requirements.

(b) The further requirements that may be notified pursuant to subparagraph (a) may not concern any matters other than:

(i) a requirement that a signed oath or declaration by the creator of the industrial design that is the subject of an application be filed with the Office of the Contracting Party concerned;

(ii) a requirement that a specific number, which may not exceed six, of reproductions representing different views of the industrial design that is the subject of an application be filed with the Office of the Contracting Party concerned.

(c) Where the international application contains the designation of a Contracting Party that has made notification under subparagraph (a), it may also contain the elements needed to satisfy the further requirements that have been notified by that Contracting Party.

(4) [Several Industrial Designs in the Same International Application] (a) Two or more industrial designs may be the subject of the same international application, provided that they relate to the same subclass of the International Classification.

(b) Any Contracting Party whose Office is an Examining Office and whose law, at the time that the Contracting Party becomes party to this Act, requires that an application for the protection of an industrial design conform to a requirement of unity of invention or unity of design, may notify the Director General accordingly. Any such notification shall not, however, affect the right of an applicant of an international application designating the Contracting Party that has made the notification to include two or more industrial designs in the said application in accordance with subparagraph (a) in order to obtain a date of international registration under Article 7(1), but shall enable the said Contracting Party to refuse the effect of the international application pursuant to Article 9(1) pending compliance with the requirement of unity of invention or unity of design.

(5) [Request for Deferred Publication] The international application may contain a request for deferment of the publication.

Article 5 Priority

(1) [Claiming of Priority] The international application may contain a declaration claiming, under Article 4 of the Paris Convention, the priority of one

or more earlier applications filed in or for any country party to that Convention.

(2) [International Registration Serving as a Basis for Claiming Priority] The international registration shall, as from its registration date in accordance with Article 7(1) or (2), be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

Article 6

International Registration, Correction of Irregularities and Publication

(1) [International Registration] The International Bureau shall register *each* industrial design that is the subject of an international application, whether or not publication is deferred under Article 8. The registration will be effected immediately upon receipt by the International Bureau of the international application or, where corrections are made under paragraph (2), immediately upon receipt of the required corrections.

(2) [Irregularities in the International Application] (a) If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the requirements listed in Article 4(1), it shall invite the applicant to make the required corrections within the prescribed time limit. If the applicant does not comply with the invitation within the prescribed time limit, the International Bureau shall reject the international application.

(b) If the international application designates a Contracting Party to which the requirements of Article 4(2) <-> apply and the International Bureau finds that, at the time of its receipt by the International Bureau,

(i) it does not fulfill any of the requirements of Article 4(2) but fulfills the requirements of Article 7(3), the international application shall be considered not to contain the designation of that Contracting Party;

(ii) it does not fulfill any of the requirements of Article 4(2) <-> and, in addition, it does not fulfill any of the requirements of Article 7(3), it shall invite the applicant to make the required corrections within the prescribed time limit; if the applicant does not comply with the invitation with respect to the requirements of Article 4(2) <-> within the prescribed time limit at the same time as or before any irregularities concerning the requirements of Article 7(3) are corrected, the international application shall be considered not to contain the designation of that Contracting Party.

<->

(3) [Publication] (a) Subject to Article 8, the international registration shall be published by the International Bureau in its Gazette.

(b) The International Bureau shall send a copy of the publication of the international registration to each designated Office.

Article 7

Date of International Registration

(1) [Date of International Registration of Regularly Filed International Applications] Where the international application is in conformity with this Act and the Regulations at the date on which it is received by the International Bureau, the *date of the international registration* shall be the *date of receipt of the international application*.

(2) [Date of International Registration Where the International Application Has an Irregularity] Where the international application has, at the date on which it is received by the International Bureau, an irregularity, the *date of the international registration* shall be,

(i) if the irregularity is not one of those mentioned in paragraph (3) <-> the *date of receipt of the international application* <-> provided that such irregularity is corrected within the time limit referred to in Article 6(2);

(ii) if the irregularity is one of those mentioned in paragraph (3), <-> the date on which the correction of such irregularity is received by the International Bureau, provided that the correction is made within the time limit <-> referred to in Article 6(2) <->.

(3) [Irregularities Entailing a Postponement of the Date of International Registration] The irregularities referred to in paragraph (2)(ii) are the following:

(a) the applicant lacks entitlement to file an international application under Article 2;

(b) the international application is not in the prescribed language or one of the prescribed languages;

(c) any of the following elements is missing from the international application:

(i) a request for international registration under this Act;

(ii) indications allowing the identity of the applicant to be established;

(iii) a reproduction or, in accordance with Article 4(1)(iii), a specimen of each industrial design included in the international application;

(iv) the designation of at least one Contracting Party.

Article 8

Deferment of Publication

(1) [Deferment of Publication] Where the international application contains a request for deferment of

publication under Article 4(5), the publication shall be deferred for the period indicated in paragraph (3), such period commencing on the date of the international registration or, where priority is claimed, on the earliest priority date claimed in the international application.

(2) [Provisions of the Contracting Parties Concerning Deferment of Publication] Where the law of a Contracting Party provides for the deferment of the publication of industrial designs <-> for a period of less than 30 months from the filing date or, where priority is claimed, priority date of an application filed under that law, or does not allow the deferment of such publication, the Contracting Party shall, in a declaration, notify the Director General of the allowable period of deferment or of the fact that no such deferment is possible.

(3) [Period of Deferment Under this Act] Where deferment of publication has been requested, the period of deferment shall be,

(i) where none of the Contracting Parties designated in the international application has made a declaration under paragraph (2), 30 months;

(ii) where any of the Contracting Parties designated in the international application has made a declaration under paragraph (2) notifying a period of deferment of less than 30 months, the period notified in such declaration or, where there are more than one such designated Contracting Parties, the shortest period notified in their declarations.

(4) [Treatment of Requests for Deferment Where Deferment Is Not Possible Under Applicable Law] Where deferment of publication has been requested and any of the Contracting Parties designated in the international application has made a declaration under paragraph (2) that deferment of publication is not possible under its law, the International Bureau shall notify the applicant accordingly. If, within a period of 30 days from the date of the notification by the International Bureau, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the said request.

(5) [Transmittal of Confidential Copy to Examining Offices] (a) *The International Bureau shall, immediately after registration has been effected, send to each designated Examining Office a copy of each international registration whose publication is deferred pursuant to the provisions of this Article; however, where the international application was accompanied by a specimen of the industrial design in accordance with Article 4(1)(iii), the copy of the international registration to be transmitted by the International Bureau shall not be accompanied by the said specimen.*

(b) *The Examining Office shall, until publication of the international registration in the Gazette of the International Bureau, keep in confidence each international registration of which a copy has been transmitted to it by the International Bureau and may use the said copy only for the purpose of the examination of other applications for the protection of industrial designs filed in or for the Contracting Party for which the Examining Office is competent. In particular, it may not divulge the contents of any such international registration to any person outside the Examining Office, including the persons in whose names such other applications are filed.*

(6) [Request for Earlier Publication] At any time during the period of deferment applicable under paragraph (3), the holder may request publication of any or all of the industrial designs that are the subject of the international registration, in which case the period of deferment in respect of such industrial design or designs shall be considered to have expired on the date of receipt of such request by the International Bureau.

(7) [Renunciation] At any time during the period of deferment applicable under paragraph (3), the holder may renounce the international registration in respect of any or all of the industrial designs covered by the international registration, in which case such industrial design or designs shall not be published.

(8) [Withdrawal of Designation] At any time during the period of deferment applicable under paragraph (3), the holder may withdraw the designation of any Contracting Party.

(9) [Publication and Furnishing of Reproductions] (a) At the expiration of the period of deferment applicable under the provisions of this Article, the International Bureau shall, subject to the payment of the prescribed fees, publish the international registration. If such fees are not paid as prescribed, the international registration shall be cancelled and publication shall not take place.

(b) Where the international application was accompanied by a specimen of the industrial design in accordance with Article 4(1)(iii), the holder shall submit one reproduction or, at the choice of the holder, more than one reproduction of each industrial design that is the subject of that application to the International Bureau within the prescribed time limit, failing which the international registration shall be cancelled and publication shall not take place.

(10) [Maintenance of Confidentiality Before Publication] Subject to paragraph (5)(a), the International Bureau shall keep in confidence each international application and each international registration until publication in its Gazette.

Article 9
Refusal of Effect;
Remedies Against Refusals < - >

(1) [Refusal of Effect] The Office of any *designated* Contracting Party may, where the conditions of the grant of protection of its law, other than those which, by virtue of Article 10(1), are deemed to have been satisfied, are not met < - > in respect of any or all of the industrial designs that are the subject of that international registration, refuse the effect, *in part or in whole*, of the international registration.

(2) [Notification of Refusal] (a) The refusal of the effect of an international registration shall be communicated by the Office to the International Bureau in a notification of refusal within the period of *six months* from the date on which the International Bureau sends to that Office a copy of the publication of the international registration.

(b) Notwithstanding subparagraph (a), any Contracting Party whose *Office is an Examining Office, or whose law provides < - >* for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that the period of *six months* referred to in subparagraph (a) shall be replaced by a period of *either 24 or 30 months*.

(c) Any notification of refusal shall state all the grounds on which the refusal *that is the subject of the notification* is based.

(d) Any notification of refusal may be withdrawn at any time by the Office that has made it.

(3) [Modification of Time Limits for Refusal] < - > The periods referred to in paragraph (2) may be modified by a unanimous decision of the Assembly.

(4) [Transmission of Notification of Refusal; Remedies] (a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

(b) The holder shall have the same remedies as if any industrial design that is the subject of the international registration had been the subject of an application for the grant of protection under the law applicable to the Office that has notified the refusal. Such remedies shall at least consist of the possibility of requesting a reexamination of the refusal or filing an appeal against the said refusal.

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Article 10
Effect of International Registration

(1) [Effect as Application Under Applicable Law] The international registration shall, from the date of international registration, have at least the same effect in each Contracting Party designated in that

registration as a regularly filed application for the grant of protection of the industrial design under the law of that Contracting Party and the same effect as if all the *conditions* required by the said law for a *regularly filed application* for the grant of protection had been satisfied and all the administrative acts required to that end had been accomplished by the Office of that Contracting Party.

(2) [Effect as *Grant* of Protection Under Applicable Law] (a) The international registration shall have the same effect in each Contracting Party designated in that registration as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of the expiration of the period allowed under Article 9(2) for the communication of a notification of refusal, unless a notification of refusal has, during the said period, been communicated by the Contracting Party.

(b) Where a designated Contracting Party has communicated a notification of refusal and has subsequently withdrawn that notification, the international registration shall have the same effect in that Contracting Party as a grant of protection for the industrial design under the law of the said Contracting Party at the latest from the date on which the notification was withdrawn.

Article 11
Invalidation

(1) [Requirement of Opportunity of Defense] Invalidation, by the competent authorities of a designated Contracting Party, of the effect, in the territory of that Contracting Party, of the international registration may not be pronounced without the holder having, in good time, been afforded the opportunity of defending his rights.

(2) [Notification of Invalidation] Invalidation shall be notified to the International Bureau by the Office of the Contracting Party in whose territory the effect of the international registration has been invalidated.

Article 12
Fees for International Application

(1) [Fees for International Application] Subject to paragraph (4), the international application shall be accompanied by the following fees:

- (i) an international registration fee, consisting of
 - a basic registration fee and,
 - where the international registration is made for more than one industrial design, an additional registration fee for each additional industrial design, the amount of which shall correspond to a prescribed percentage of the basic registration fee;

- (ii) a publication fee;
- (iii) subject to paragraph (2), a designation fee to be paid for each designated Contracting Party, which shall be supplemented, where the international registration is made for more than one industrial design, by an additional designation fee for each additional industrial design, the amount of which shall correspond to a prescribed percentage of the designation fee.

(2) [Individual Designation Fee] Any Contracting Party may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the designation fee *and the additional designation fee* referred to in paragraph (1)(iii) shall be replaced by $\langle - \rangle$ fees (hereinafter referred to as "the individual designation fees") whose amounts shall be indicated in the declaration and can be changed in further declarations. *The said amounts may be fixed for the initial period of protection and for each period of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, they may not be higher than the equivalent of the amounts which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, $\langle - \rangle$ those amounts being diminished by the savings resulting from the international procedure.*

(3) [Transfer of Designation Fees] The designation fees referred to in paragraphs (1)(iii) and (2) $\langle - \rangle$ shall be transferred by the International Bureau to the Contracting Parties in respect of which those fees were paid.

(4) [Payment of Fees in Case of Deferment of Publication] (a) Notwithstanding paragraph (1), where the international application contains a request for deferment of publication under Article 4(5), only a prescribed percentage of the international registration fee shall be paid at the time of filing the international application.

(b) Two months before the expiration of the period of deferment of publication in accordance with Article 8(3), the holder shall pay the balance of the international registration fee, as well as the publication fee and the designation or individual designation fees. If the holder has not paid the said balance and the said fees in due time, the international registration shall be considered to have been renounced.

(c) If earlier publication is requested under Article 8(6), the balance and the fees referred to in subparagraph (b) shall be paid to the International Bureau at the same time as the request for earlier publication, failing which the International Bureau shall disregard the request for earlier publication.

Article 13 Term and Renewal of International Registration

(1) [Term of International Registration] The international registration shall be effected for five years counted from the date of international registration.

(2) [Renewal of International Registration] The international registration may be renewed for additional terms of five years.

(3) [Minimum and Maximum Period of Protection in Designated Contracting Parties] (a) Subject to subparagraph (b) and provided that the international registration is renewed, the period of protection shall *not terminate*, in each of the designated Contracting Parties, *before the expiration of 15 years* counted from the date of international registration.

(b) Where the $\langle - \rangle$ law of a designated Contracting Party allows a period of protection of more than 15 years for an industrial design for which protection has been granted under that law, the period of protection shall, provided that the international registration is renewed, be equivalent to the one afforded under the law of that Contracting Party.

(4) [Possibility of a Limited Renewal] The renewal of the international registration may be effected for *any or all* of the designated Contracting Parties and for *any or all* of the industrial designs covered by the international registration.

(5) [Procedure of Renewal] (a) Six months before the expiration of a five-year term, the International Bureau shall send an unofficial notice reminding the holder of the date of expiration.

(b) The renewal of the international registration shall be effected by the mere payment of the same kind of fees as those which are to be paid for an international application in accordance with Article 12, with the exception of the publication fee referred to in Article 12(1)(ii).

(c) Subject to the payment of a surcharge fixed by the Regulations, a period of grace of six months shall be allowed for the payment of the fees referred to in subparagraph (b).

(6) [Recording and Publication of Renewal] The International Bureau shall record renewals in the International Register and publish a notice to that effect. *It shall send a copy of the notice to each designated Office.*

Article 14 Recording of Change in Ownership and Certain Other Matters Concerning International Registrations

(1) [Recording of Change in Ownership of International Registration] (a) The International Bureau

shall, as prescribed, record in the International Register any change in ownership of the international registration, in respect of *any* or all of the designated Contracting Parties and in respect of *any* or all of the industrial designs covered by the international registration, provided that the new owner is entitled to file an international application under Article 2.

(b) The recording referred to in subparagraph (a) shall have the same effect as if it had been recorded in the Register of the Office of each of the Contracting Parties concerned.

(2) [Recording of Other Matters] The International Bureau shall, *as prescribed*, record in the International Register

(i) any change in the name or address of the holder,

(ii) the appointment of a representative of the applicant or holder and any other relevant fact concerning such representative,

(iii) any renunciation, by the holder, of the international registration,

(iv) any withdrawal, by the holder, of the designation of any of the Contracting Parties,

(v) any limitation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs covered by it,

(vi) any invalidation, by the competent authorities of a designated Contracting Party, of the effect, in the territory of that Contracting Party, of the international registration in respect of any or all of the industrial designs covered by it,

(vii) any other relevant fact, identified in the Regulations, concerning the rights in *any or all of the industrial designs covered by the international registration*.

(3) [Fees] Any recording made under paragraphs (1) or (2) may be subject to the payment of a fee.

(4) [Publication] The International Bureau shall publish a notice concerning any recording made in accordance with paragraphs (1) or (2). *It shall send a copy of the notice to each designated Office.*

Article 15 **Information Concerning Published** **International Registrations**

(1) [Information Concerning International Registrations] The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, information on or copies of entries in the International Register in respect of any international registration published in its Gazette.

(2) [Legalization] Copies of entries in the International Register supplied by the International

Bureau shall be exempt from any requirement of legalization in each Contracting Party.

Article 16 **Applicability of Protection** **Accorded by National Laws and by** **Copyright Treaties**

The provisions of this Act shall not affect the application of any greater protection that may be accorded by the law of a Contracting Party, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions.

Article 17 **Common Office of Several States**

(1) [Notification of Common Office] If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

(i) that a common Office shall be substituted for the national Office of each of them, and

(ii) that the whole of their respective territories shall be deemed to be a single Contracting Party for the purposes of the application of Articles 1 to 15 and 28 of this Act.

(2) [Time at Which Notification Is to Be Made] The notification referred to in paragraph (1) shall be made,

(i) in the case of States intending to become party to this Act, at the time of the deposit of the instruments referred to in Article 25(2);

(ii) in the case of States party to this Act, at any time after the unification of their domestic legislation has been effected.

(3) [Date of Entry Into Effect of the Notification] Such notification shall take effect,

(i) in the case of States intending to become party to this Act, at the time of the entry into force of this Act with respect to such States;

(ii) in the case of States party to this Act, three months after the date of the communication thereof by the Director General to the other Contracting Parties.

Article 18 **Membership of the Hague Union**

The Contracting Parties shall be members of the Union.

Article 19

Assembly

(1) [Composition] (a) The Contracting Parties shall be members of the Assembly.

(b) Each member of the Assembly shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) The expenses of each delegation shall be borne by the member of the Assembly that has appointed it, provided that the Assembly may decide that the travel expenses and the subsistence allowance of one delegate from each Contracting Party shall be paid from the funds of the Union.

(d) Members of the Union that are neither Contracting Parties nor party to the Complementary Act of 1967 shall be admitted to the meetings of the Assembly as observers.

(2) [Tasks] (a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Act;

(ii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Act or the Complementary Act of 1967;

(iii) give directions to the Director General concerning the preparations for conferences of revision and decide the convocation of any such conference;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) determine the program and adopt the biennial budget of the Union, and approve its final accounts;

(vi) adopt the financial regulations of the Union;

(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(viii) subject to paragraph (1)(d), determine which States and intergovernmental organizations, other than Contracting Parties, and which non-governmental organizations shall be admitted to its meetings as observers;

(ix) adopt amendments to Articles 19 to 21 and 24;

(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Act.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) [Representation] A delegate may represent, and vote in the name of, one Contracting Party only.

(4) [Voting] (a) Each member of the Assembly shall have one vote. On matters concerning only members of the Union that are not Contracting Parties, Contracting Parties shall not have the right to vote whereas, on matters concerning only Contracting Parties, only the latter shall have the right to vote.

(b) Any regional organization that is a Contracting Party may exercise the right to vote of its member States that are Contracting Parties and are present at the time of voting. The regional organization may not, in a given vote, exercise the right to vote if any of its member States participates in the vote or expressly abstains.

(5) [Quorum] (a) One-half of the members of the Assembly which have the right to vote on a certain matter shall constitute the quorum for the purposes of the vote on that matter.

(b) Notwithstanding the provisions of subparagraph (a), if, in any session, the number of the members of the Assembly having the right to vote on a given matter which are represented is less than one-half but equal to or more than one-third of the members of the Assembly having the right to vote on that matter, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the members of the Assembly having the right to vote on the said matter which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of such members having thus expressed their vote or abstention attains the number of the members which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(6) [Majorities] (a) Subject to Articles 22(2) and (3) and 24(2), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) [Sessions] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the members of the Assembly or on the Director General's own initiative.

(8) [Rules of Procedure] The Assembly shall adopt its own rules of procedure.

Article 20

International Bureau

(1) [Administrative Tasks] (a) International registration and related duties, as well as all other administrative tasks concerning the Union, shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly.

(2) [Director General] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [Meetings Other than Sessions of the Assembly] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) [Role of the International Bureau in the Assembly and Other Meetings] (a) The Director General and persons designated by him shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.

(b) The Director General or a staff member designated by him shall be *ex officio* secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [Conferences] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(b) The International Bureau may consult with intergovernmental and regional organizations and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(6) [Other Tasks] The International Bureau shall carry out any other tasks assigned to it in relation to this Act.

Article 21

Finances

(1) [Budget] (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions adminis-

tered by the Organization shall be considered to be expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) [Coordination With the Budgets of Other Unions] The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) [Sources of Financing of the Budget] The budget of the Union shall be financed from the following sources:

(i) international registration fees and other fees and charges due for other services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) [Fixing of International Registration Fees and of the Level of the Budget] (a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General.

(b) The amounts of such fees shall be so fixed that the revenues of the Union from fees and other sources shall be at least sufficient to cover all the expenses of the International Bureau concerning the Union.

(c) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) [Fixing of Other Fees and Charges] Subject to the provisions of paragraph (4)(a), the amount of the fees and charges due for other services rendered by the International Bureau in relation to the Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) [Working Capital Fund] The Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General.

(7) [Advances by Host State] (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the

subject of separate agreements, in each case, between such State and the Organization.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) [Auditing of Accounts] The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 22 **Regulations**

(1) [Content] The Regulations shall be adopted by the Assembly and shall govern the details of the implementation of this Act. They shall, in particular, provide rules concerning

(i) matters which this Act expressly provides are to be "prescribed";

(ii) further or supplementary details concerning, or any details useful in the implementation of, the provisions of this Act;

(iii) any administrative requirements, matters or procedures.

(2) [Amending the Regulations] (a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3) [Requirement of Unanimity] (a) The Regulations may specify rules which may be amended only by unanimous consent.

(b) Exclusion, for the future, of any rules designated as requiring unanimous consent for amendment from such requirement shall require unanimous consent.

(c) Inclusion, for the future, of the requirement of unanimous consent for the amendment of any rule shall require unanimous consent.

(4) [Conflict Between the Present Act and the Regulations] In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail.

Article 23 **Revision of This Act**

(1) [Revision Conferences] This Act may be revised by a conference of the Contracting Parties.

(2) [Revision or Amendment of Certain Articles] Articles 19, 20, 21 and 24 may be amended either by a revision conference or according to the provisions of Article 24.

Article 24 **Amendment of Certain Articles** **by the Assembly**

(1) [Proposals for Amendment] (a) Proposals for the amendment of Articles 19, 20, 21 and this Article may be initiated by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(2) [Competence and Majorities of Assembly] (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast, except that any amendment to Article 19 or to the present paragraph shall require four-fifths of the votes cast.

(3) [Entry Into Force] (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of those States and regional organizations which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the States and regional organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.

Article 25 **Becoming Party to This Act**

(1) [Eligibility] The following entities may sign and, subject to paragraphs (2) and (3) and Article 26, become party to this Act:

(i) any State party to the Paris Convention in respect of which protection of industrial designs may be obtained through its own Office;

(ii) any regional organization which maintains a regional Office in which protection of industrial designs may be obtained with effect in all its member States, provided that all those States are party to this Act and provided that such Office is not the subject of a notification under Article 17;

(iii) any State party to the Paris Convention in respect of which protection of industrial designs may be obtained only through the Office of another, specified State that is a party to this Act;

(iv) any State party to the Paris Convention in respect of which protection of industrial designs may be obtained only through the regional Office maintained by a regional organization of which that State is a member;

(v) any State party to the Paris Convention in respect of which protection of industrial designs may be obtained only through a common Office of a group of States party to this Act.

(2) [Ratification or Accession] Any entity referred to in paragraph (1) may deposit

(i) an instrument of ratification, if it has signed this Act,

(ii) an instrument of accession, if it has not signed this Act.

(3) [Effective Date of Deposit] (a) Subject to paragraph (b), the effective date of the deposit of an instrument of ratification or accession shall be,

(i) in the case of a State referred to in paragraph (1)(i), the date on which the instrument of that State is deposited;

(ii) in the case of a regional organization, the date on which the following condition is fulfilled: the instrument of the regional organization has been deposited and the instruments of all the regional organization's member States have been deposited;

(iii) in the case of a State referred to in paragraph (1)(iii), the date on which the following condition is fulfilled: the instrument of that State has been deposited and the instrument of the other, specified State has been deposited;

(iv) in the case of a State referred to in paragraph (1)(iv), the date applicable under (ii), above;

(v) in the case of a State member of a group of States referred to in paragraph (1)(v), the date on which the instruments of all the States members of the group have been deposited.

(b) Any instrument of ratification or accession (hereinafter referred to as "instrument") of a State may be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one regional organization, or the instruments of two other States, or the instruments of one other State and one regional organization, specified by name and eligible to become party to this Act, is or are also deposited. The instrument containing such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when the deposit of any instrument specified in the declaration is, itself, accompanied by a declaration of the said kind, that instrument shall be considered as deposited on the day on

which the condition specified in the latter declaration is fulfilled.

(c) Any declaration made under paragraph (b) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General.

Article 26 **Effective Date of Ratifications** **and Accessions**

(1) [Instruments to Be Taken Into Consideration] For the purposes of this Article, only instruments of ratification or accession that are deposited by entities referred to in Article 25(1) and that have an effective date according to Article 25(3) shall be taken into consideration.

(2) [Entry Into Force of This Act] This Act shall enter into force three months after six entities have deposited their instruments of ratification or accession (hereinafter referred to as "instrument"), provided that at least three of those entities each fulfill any of the following conditions:

(i) the number of applications for the protection of industrial designs in the entity has exceeded 3,000 according to the most recent annual statistics collected by the International Bureau,

(ii) where the entity is a State, its nationals or residents, or, where the entity is a regional organization, nationals or residents of States members of the regional organization, have filed at least 200 such applications in one other entity according to the most recent annual statistics collected by the International Bureau,

(iii) the Office of the entity has received at least 1,000 such applications from nationals or residents of States other than, where the entity is a State, the said entity, or, where the entity is a regional organization, any State member of the said entity, according to the most recent annual statistics collected by the International Bureau.

(3) [Entry Into Force of Ratifications and Accessions Subsequent to the Entry Into Force of This Act] Any entity not covered by paragraph (2) shall become bound by this Act three months after the date on which it has deposited its instrument of ratification or accession.

Article 27 **Declarations Made by Contracting Parties**

(1) [Time at which Declarations May Be Made] Any declaration under Articles 3(1)(b), 4(2) and (3), 8(2), 9(2)(b) or 12(2) may be made

(i) at the time of the deposit of the instruments referred to in Article 25(2), in which case it shall become effective on the date on which the *entity* having made the declaration becomes bound by this Act, or

(ii) after the deposit of the instruments referred to in Article 25(2), in which case it shall become effective either three months after the date of its receipt by the Director General or on any later date indicated in the declaration, but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

(2) [*Simultaneous Declarations by States Having a Common Office*] Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 17(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations.

Article 28

Applicability of the 1934 and 1960 Acts

(1) [Relations Between States Party to Both This Act and the 1934 or 1960 Acts] This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

(2) [Relations Between States Party to Both This Act and the 1934 or 1960 Acts and States Party to the 1934 or 1960 Acts Without Being Party to This Act] (a) Any State that is party to both this Act and the 1934 Act shall continue to apply the 1934 Act in its relations with States that are party to the 1934 Act without being party to the 1960 Act or this Act.

(b) Any State that is party to both this Act and the 1960 Act shall continue to apply the 1960 Act in its relations with States that are party to the 1960 Act without being party to this Act.

Article 29

Denunciation of This Act

(1) [Notification] Any Contracting Party may denounce this Act by notification addressed to the Director General.

(2) [Effective Date] Denunciation shall take effect one year from the date on which the Director General has received the notification. It shall not affect the application of this Act to any international application pending or any international registration in force in respect of the denouncing Contracting Party at the time of the expiration of the said one-year period.

Article 30

Languages of This Act; Signature

(1) [Original Texts; Official Texts] (a) This Act shall be signed in a single original in the English, French and Spanish languages, all texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [Time Limit for Signature] This Act shall remain open for signature at the headquarters of the Organization for one year after its adoption.

Article 31

Depositary

The Director General shall be the depositary of this Act.

Activities of WIPO in the Field of Industrial Property Specially Designed for Developing Countries

Africa

Assistance With Training, Legislation and Modernization of Administration

Angola. In September 1993, two government officials visited WIPO and had discussions with WIPO officials on the operation of the industrial property system in that country.

Cameroon. In September 1993, a government official had discussions with WIPO officials in Geneva on the reinforcement of cooperation between Cameroon and WIPO.

Cape Verde. In September 1993, a government official had discussions with a WIPO official in Geneva on Cape Verde's possible accession to the WIPO Convention.

Côte d'Ivoire. In September 1993, a government official, on the occasion of his participation in the sessions of the Governing Bodies, had discussions with the Director General and other WIPO officials on bilateral cooperation, including the holding of a regional industrial property seminar in Côte d'Ivoire in 1994, and matters pertaining to the African Intellectual Property Organization (OAPI).

Ghana. In September 1993, Mr. Dominic M. Mills, Registrar-General, on the occasion of his participation in the sessions of the Governing Bodies, had discussions with WIPO officials in Geneva on the Patents Law, 1992, and the proposed implementing regulations.

Kenya. In September 1993, Professor Norah K. Olemba, Director of the Kenyan Industrial Property Office, on the occasion of her participation in the sessions of the Governing Bodies, reviewed cooperation between Kenya and WIPO with WIPO officials in Geneva, announced that Kenya's instrument of accession to the Patent Cooperation Treaty (PCT) would soon be deposited with WIPO and requested technical assistance from WIPO both for the computerization of the Kenyan Office and under the WIPO state-of-the-art search program.

Madagascar. In September 1993, a WIPO official undertook a three-day mission to Antananarivo to assist the Government with its planning of the modernization of the industrial property system in Madagascar, including the setting up of the Malagasy Industrial Property Office (OMAPI) as soon as possible.

Mauritius. In September 1993, a government official from the Ministry of Trade and Shipping had discussions with WIPO officials in Geneva on the modernization of the industrial property legislation of that country.

Togo. In September 1993, a government official informed WIPO officials in Geneva that his Government was in the process of transforming the national industrial property structure into a national industrial property and transfer of technology center, and in that connection requested WIPO's assistance in the training of new staff and with computerization support.

African Intellectual Property Organization (OAPI). In September 1993, on the occasion of her participation in the sessions of the Governing Bodies, Mrs. Célestine Houehougbe, Director General a.i. of OAPI, accompanied by another OAPI official, had discussions with the Director General and other WIPO officials in Geneva on further cooperation between the two organizations.

African Regional Industrial Property Organization (ARIPO). In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Anderson Zikonda, Director General of ARIPO, discussed with the Director General and other WIPO officials in Geneva the encouraging outlook for ARIPO, and the prospects of the accession of ARIPO member countries to the PCT.

Organization of African Unity (OAU). In September 1993, an OAU official visited WIPO to discuss the strengthening of joint activities between OAU and WIPO for the benefit of African countries.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Algeria. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Djenidi Bendaoud, Director General of the Algerian Institute for Standardization and Industrial Property (INAPI), discussed with the Director General and other WIPO officials the industrial property situation in Algeria and WIPO's assistance in the further modernization of INAPI and the training of its staff.

Egypt. In September 1993, Mr. Ragaa Mohamed Al Kitkat, Chairman, Administration of Commercial Registration, on the occasion of his participation in the sessions of the Governing Bodies, had discussions with WIPO officials on the strengthening of trademark activities in Egypt through a possible United Nations Development Programme (UNDP)-financed and WIPO-executed country project.

Also in September 1993, Mr. Mohamed Ezz Eldin El-Toukhy, President of the Agency for Development of Innovations and Inventions (ADII), visited Geneva and requested WIPO to assist in the organization of study visits for officials of the Agency.

Also in September 1993, Mr. Fattouh Abdel Gelil Hamed, President of the Patent Office, on the occasion of his participation in the sessions of the

Governing Bodies, had discussions with WIPO officials on further cooperation with his Office, including arrangements for the WIPO Subregional Workshop on Licensing Contracts and Technology Transfer Arrangements, scheduled to be held in Cairo in October 1993.

Saudi Arabia. In September 1993, Mr. Saleh Al Athel, President, King Abdulaziz City for Science and Technology (KACST), and Mr. Abdullah A. Al-Rasheed, Director General of Patents, on the occasion of their participation in the sessions of the Governing Bodies, discussed with WIPO officials in Geneva the possibility of WIPO advisory missions to their country.

Sudan. In September 1993, Mr. Abd Elrahman A. Ibrahim, Commercial Registrar General, on the occasion of his participation in the sessions of the Governing Bodies, discussed with WIPO officials the training of his staff in the use of the CD-ROM workstations provided by WIPO.

Yemen. In September 1993, Mr. Ahmed Mohamed Thabet Al-Zuraiki, Head, Technical Bureau, Ministry of Culture and Tourism, visited WIPO and discussed with WIPO officials the strengthening of cooperation for the benefit of his country.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO Symposium on the Patent Cooperation Treaty (PCT) and China (Beijing). On September 13 and 14, 1993, in cooperation with WIPO, the Chinese Patent Office (CPO) organized a Symposium on the Patent Cooperation Treaty (PCT) and China in Beijing. The Symposium was attended by more than 200 participants, some 120 of whom were Chinese while the others were from 25 foreign countries and Hong Kong. Presentations were made by guest speakers from China and Japan, three WIPO consultants from Germany, the United States of America and the European Patent Office (EPO) and two WIPO officials. They covered an overview of the PCT, the advantages for China of using the PCT, the functions of a receiving Office, a designated Office and an International Searching Authority, the

functions of the CPO under the PCT and the experiences of a large international corporation and a patent agent in the use of the PCT. At the opening ceremony, China's instrument of accession to the PCT was handed over to the Director General of WIPO by Mr. Liu Huaqiu, Vice-Minister, Ministry of Foreign Affairs. Opening addresses were delivered by the Director General of WIPO and by Mr. Gao Lulin, Director General of the CPO.

WIPO Forum on the International Registration of Trademarks (Beijing). On September 14 and 15, 1993, in cooperation with WIPO, the State Administration for Industry and Commerce (SAIC) of China organized, in Beijing, a Forum on the International Registration of Trademarks in China. One hundred and fifty participants from China attended the Forum, including officials of Chinese government

agencies, the People's Court and representatives of the private sector and enterprises. The Forum covered a range of topics relating to the international registration of trademarks under both the Madrid Agreement Concerning the International Registration of Marks and the Madrid Protocol. Presentations were made by Chinese speakers, two WIPO consultants from France and the United Kingdom and three WIPO officials. Opening addresses were delivered by the Director General of WIPO and by Mr. Liu Minxue, Director General of SAIC.

WIPO Asian Regional Training Course on Legal and Administrative Aspects of Trademarks (Bangkok). From September 6 to 17, 1993, in cooperation with the Government of Thailand, WIPO organized the Asian Regional Training Course on Legal and Administrative Aspects of Trademarks in Bangkok. The Course was attended by 17 government officials from Bangladesh, Fiji, Indonesia, Malaysia, the Philippines, Sri Lanka, Thailand and Viet Nam. Three WIPO consultants from Australia, Germany and Switzerland and a WIPO official lectured at the Course. The subjects covered included the legal and administrative aspects of trademark administration and protection, computerization in the field of trademarks, international aspects and current developments in relation to trademarks, legal and practical aspects of trademark licensing and franchising, judicial remedies for protection of trademark rights and against unfair competition and trademark and consumer protection. Country reports were also given by the representatives of the participating countries.

India. In late September and early October 1993, WIPO organized, at the Office of the Comptroller-General of Patents, Designs and Trade Marks in Bombay, a training session for 20 examiners from the Office on the use of the International Classification of the Figurative Elements of Marks (Vienna Classification). The training, which was given by a WIPO official, was organized under the UNDP-financed country project for the modernization of the administration and more effective use of trademarks in India.

Philippines. In September 1993, a WIPO official, a Member of Parliament of the United Kingdom and a former Congressman of the United States of America participated in a round table on intellectual property rights for Philippine legislators. The round table was organized by the Senate Committee on Trade and Commerce of the Philippine Congress. It was attended by members of that Committee and a number of its staff, officials from various government departments and representatives of the legal profession, industry and trade. The discussions concerned various issues arising from a draft intel-

lectual property code being considered by the Philippine Congress.

Assistance With Training, Legislation and Modernization of Administration

Bangladesh. In September 1993, a government official had discussions with WIPO officials in Geneva on WIPO assistance with the draft new patent and industrial design laws.

Brunei Darussalam. In September 1993, a government official had discussions with WIPO officials in Geneva on cooperation to upgrade Brunei Darussalam's intellectual property system and the possibility of its accession to the Convention Establishing the World Intellectual Property Organization.

China. In September 1993, the Director General and eight WIPO officials visited Beijing. The Director General was received by Mr. Jiang Zemin, President of China. He also had talks with other government leaders and officials on further cooperation between WIPO and China on various intellectual property matters, and attended the opening ceremony of three meetings that had been organized with WIPO cooperation, namely, the WIPO Symposium on the Patent Cooperation Treaty (PCT) and China, the WIPO National Symposium on the Legal Protection of the Expressions of Folklore and the WIPO Forum on the International Registration of Trademarks. The meetings are described under "Asia and the Pacific: Training Courses, Seminars and Meetings," above.

Also in September 1993, a professor of the Institute of Microelectronics of Beijing University had discussions with WIPO officials in Geneva on recent developments regarding the legal protection of integrated circuits at the national and international levels, for the purposes of the preparation of ad hoc legislation for the protection of integrated circuit layout designs in China.

Democratic People's Republic of Korea. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Ryu Song Gwang, Director General of the Invention Office, and another government official had discussions with the Director General and other WIPO officials in Geneva on cooperation between WIPO and the Invention Office, and in particular on measures for the implementation of the newly approved UNDP-financed country project for the modernization of the industrial property system in the country, to be executed by WIPO.

India. In September 1993, Mr. Tajinder Khanna, Secretary, Ministry of Commerce, and Mr. S.V. Giri,

Secretary, Department of Education, Ministry of Human Resource Development, had separate discussions with the Director General in Geneva on intellectual property matters of common interest.

Also in September 1993, three government officials undertook a study visit, organized by WIPO, to the United Kingdom Patent Office in London and Newport, the Benelux Trademark Office (BBM) in The Hague and WIPO in Geneva on the subject of the computerization of trademark administration. The study visit was organized under the UNDP-financed country project for the modernization of the administration and more effective use of trademarks in India.

Also in September 1993, three other government officials had discussions with WIPO officials in Geneva on the activities under the UNDP-financed country project for the modernization of the patent information system in Nagpur.

Indonesia. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Nico Kansil, Director General of Copyrights, Patents and Trademarks, had discussions with WIPO officials in Geneva on the future activities of the UNDP-financed country project.

Also in September 1993, WIPO organized a study visit for three government officials to observe the computerized administration of industrial property rights at the EPO and the BBM in The Hague, at the United Kingdom Patent Office in London and Newport and at WIPO in Geneva.

Iran (Islamic Republic of). In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mr. Syed Reza Zavareie, Deputy Head of the Judiciary and Head of the Registration Organization of Deeds, Intellectual and Industrial Property, and another government official had discussions in Geneva with the Director General and other WIPO officials on the possibility of the country's accession to the WIPO Convention, on training opportunities for government officials in the field of intellectual property and on the implementation of the UNDP-financed country project to upgrade the industrial property administration.

Malaysia. In September 1993, a government official had discussions with WIPO officials in Geneva

on the proposed work plan of activities to be undertaken in the framework of the UNDP-financed country project for the strengthening of the industrial property system in Malaysia.

Mongolia. In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mr. Damdinsurengiin Demberel, Director of the Mongolian Patent and Trademark Office, and another government official had discussions with the Director General and other WIPO officials in Geneva on WIPO's assistance to the Office, among other things with the draft UNDP-financed country project, and on the need for the training of government officials in Mongolia.

Also in September 1993, WIPO organized for a government official a study visit to the United Kingdom Patent Office in Newport on the subject of patent administration and the PCT.

Republic of Korea. In September 1993, an official from the Korean Industrial Property Office (KIPO) had discussions with WIPO officials in Geneva on WIPO's assistance with the computerization activities being undertaken at the Office.

Viet Nam. In September 1993, a government official had discussions with WIPO officials in Geneva on the strengthening of cooperation between Viet Nam and WIPO in the field of industrial property, including a subregional meeting on industrial property to be organized in Hanoi in November 1993.

Association of South East Asian Nations (ASEAN). In September 1993, two WIPO officials attended a ceremony in Brussels to launch an industrial property project for ASEAN countries which is financed by the Commission of the European Communities (CEC). The ceremony was followed by a meeting of the project's Program Advisory Committee, which was composed of government officials from Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand, and also representatives of WIPO, the CEC and the EPO. The government officials from the six ASEAN countries later visited WIPO in Geneva to continue discussions on activities under the project, which was to be implemented by WIPO.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

WIPO Regional Seminar on the Protection and Management of Industrial Property in Joint Ventures in Latin America and the Caribbean (Caracas). On September 9 and 10, 1993, in cooperation with the Bolivar Program on Regional Technological Integration, Innovation and Industrial Competitiveness, WIPO organized a Regional Seminar on the Protection and Management of Industrial Property in Joint Ventures in Latin America and the Caribbean, which was held at the headquarters of the Latin American Economic System (SELA) in Caracas. The Seminar was attended by 24 participants from Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Paraguay, Peru, Suriname, Trinidad and Tobago and Uruguay and 74 local participants from industrial, commercial, scientific, educational and development institutions involved in the activities of the Bolivar Program. Lectures were given by five WIPO consultants from Colombia, Germany, Mexico, the United Kingdom and the United States of America, a WIPO official and speakers from Colombia and Venezuela. The main topics related to research and development cooperation in Latin America and the Caribbean and the role of industrial property management, and the protection of industrial property assets in the framework of research and development cooperation agreements in joint ventures.

WIPO National Seminar on Industrial Property (San José). From September 6 to 8, 1993, in cooperation with the Ministry of Justice and the Intellectual Property Registry of Costa Rica, WIPO organized a National Seminar on Industrial Property in San José, in the framework of the WIPO-executed country project for the modernization of the Industrial Property Registry. The Seminar was opened by Mrs. Monica Nagel, Acting Minister of Justice, and attended by 180 participants from government departments, commercial, research and industrial institutions and also the University. Papers were presented by five government officials from Costa Rica, a WIPO consultant from Spain and a WIPO official.

First Ibero-American Congress of Inventors (Buenos Aires). From September 27 to 29, 1993, a WIPO consultant participated in the First Ibero-American Congress of Inventors, held in Buenos Aires, and presented a paper on WIPO and its program for the promotion of inventive activities. The Congress, which was organized by the Argentine Association of Inventors, was attended by some

180 participants, most of them from the private sector.

Bolivia. In September 1993, a WIPO official presented a paper at a National Seminar on Industrial Property and Economic Development organized in La Paz by the Bolivian Association of Industrial Property. Some 70 participants from the government and private sectors attended the event.

Assistance With Training, Legislation and Modernization of Administration

Argentina. In September 1993, a government official had discussions with WIPO officials in Geneva on the organization and training requirements of the Directorate of Technology, Quality and Industrial Property in the field of trademarks.

Bolivia. In September 1993, a WIPO official had discussions with government officials in La Paz regarding the strengthening of cooperation between Bolivia and WIPO.

Brazil. In September 1993, Mr. José R. d'Affonseca Gusmão, President of the National Institute of Industrial Property (INPI), had discussions with the Director General and other WIPO officials in Geneva on the reinforcement of the existing cooperation between Brazil and WIPO.

Chile. In September 1993, two government officials handed to the Director General in Geneva Chile's instrument of accession to the Film Register Treaty (FRT). The possible organization of an intellectual property seminar for officials of the Diplomatic Academy of Chile, a copyright seminar for judges and an information seminar on the FRT were also discussed.

Also in September 1993, WIPO organized a study visit for the President of the Industrial Property Arbitration Tribunal and one of the members of the Tribunal to the German Federal Patent Court and the Appeal Board of the EPO in Munich, and also to WIPO in Geneva.

Also in September 1993, two government officials had discussions with WIPO officials in Geneva on the strengthening of WIPO assistance to the Industrial Property Department.

Colombia. In September 1993, in conjunction with his participation in the sessions of the Governing Bodies, Mr. José Orlando Montealegre

Escobar, Superintendent of Industry and Commerce, had discussions with the Director General and other WIPO officials in Geneva on the progress of the UNDP-financed country project in the field of industrial property.

Also in September 1993, the UNDP Resident Representative in Colombia visited WIPO in Geneva and had discussions with the Director General and other WIPO officials on WIPO's assistance to Colombia and on the possibility of its accession to the Paris Convention for the Protection of Industrial Property.

Costa Rica. In September 1993, a WIPO official had discussions, in San José, with government officials on the possibility of Costa Rica's accession to the Paris Convention. He also had discussions with UNDP officials in Costa Rica on the progress of the WIPO-executed country project for the modernization of the Industrial Property Registry.

Also in September 1993, a WIPO official participated in the inauguration of the Third National Invention Exhibition in San José, at which some 70 inventions were displayed.

Also in September 1993, two WIPO consultants from Chile and Venezuela undertook a mission to San José to advise on and evaluate the operation of the computerized system of trademark applications and registrations of the Industrial Property Registry. This mission was financed under the above-mentioned country project.

Cuba. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Mario Fernández Finalé, Director of the National Office of Inventions, Technical Information and Marks (ONIITEM), held discussions with WIPO officials in Geneva on the implementation of a technical cooperation program in the field of patent information and computerization of the Office, starting in October 1993 and funded from Cuba's shares in the distribution of fees under the Madrid Agreement.

Ecuador. In September 1993, Mr. Diego Montalvo Escobar, National Director of Industrial Property, had discussions with WIPO officials in Geneva on future cooperation between Ecuador and WIPO on industrial property matters.

Mexico. In late September and early October 1993, two WIPO consultants from the EPO undertook missions to Mexico City to assist the Directorate General of Technological Development in the examination of patent applications in the field of chemistry. One of the missions was funded by the EPO and the other by the funds-in-trust agreement between the Government and WIPO.

Nicaragua. In September 1993, Mr. Ricardo Alvarado, Director General of Industries, discussed with WIPO officials in Geneva the draft UNDP-financed country project proposed by WIPO for the strengthening of industrial property in that country, Nicaragua's possible accession to the Paris Convention and the draft industrial property law.

Trinidad and Tobago. In September 1993, the International Bureau prepared and sent to the government authorities, at their request, comments on the revised draft Patents Bill, 1993.

Uruguay. In September 1993, a government official had discussions with WIPO officials in Geneva on the implementation of the activities planned under the country project for strengthening the National Directorate of Industrial Property. The project is financed by the Inter-American Development Bank (IDB).

Venezuela. In September 1993, Mr. Rolando J. Vega Méndez, Registrar of Industrial Property, had discussions with WIPO officials in Geneva on a possible UNDP-financed country project on industrial property.

Development Cooperation (in General)

Training Courses, Seminars and Meetings

WIPO Permanent Committee for Development Cooperation Related to Industrial Property

Working Group

First Session

(Geneva, September 6 and 10, 1993)

The Working Group of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property held its first session in Geneva on September 6 and 10, 1993.

Fifteen States members of the Working Group were represented, namely, Algeria, Austria, Brazil, Canada, Chile, China, France, Hungary, Indonesia, Japan, Philippines, Romania, Spain, Switzerland and Zimbabwe.

Discussions were based on the reports on WIPO's activities in 1992 and the first six months of 1993.

The Working Group reviewed and evaluated the progress of the Permanent Program for Development Cooperation Related to Industrial Property since the last session of the Permanent Committee held in November 1992,¹ focusing on the main orientations of the Permanent Program as endorsed by the Permanent Committee at its 1992 session.

All delegations that made statements expressed their appreciation to the International Bureau for the development cooperation activities carried out during the period under review and emphasized the importance that they attached to those activities. Some delegations also referred to the usefulness of UNDP-financed, WIPO-executed projects in their countries and expressed the hope that such projects would continue and be expanded.

The Working Group referred to the continuing importance of human resource development as one of the cornerstones of the Permanent Program, and stressed the constant need for evaluation of the training programs by the participants as well as by the International Bureau.

Among measures proposed for maintaining the quality of WIPO-sponsored training in the field of industrial property and its evaluation, most of them already features of the training program, were the following: the pursuit of diversified training encompassing academics, lawyers, the judiciary, industrialists and other users of the industrial property system; the training of trainers; avoidance of repetition in the selection of candidates and the screening of their qualifications in the context of the course for which

they are selected and, finally, the careful choice of topical themes for training courses, workshops and seminars.

In addition to training, the Working Group then reviewed the following main areas of activity under the Permanent Program, facilitating the creation or improvement of national or regional legislation and its enforcement; encouraging adherence to WIPO-administered treaties, and facilitating the creation or improvement of government and other institutions for the administration and effective implementation of national or regional legislation ("institution-building").

The Working Group noted with satisfaction the information provided, in the course of the discussion, on certain activities of the Permanent Program in Africa, the Arab States, Asia and the Pacific and Latin America and the Caribbean, which illustrated WIPO's specific and active involvement in those regions.

The Working Group stressed the need to strengthen the teaching of intellectual property law in universities, the acquisition of foreign but locally protected technology and also the development of inventive and innovative activity. Furthermore, while underlining the importance of developing the profession of industrial property lawyer and agent in developing countries, the Working Group noted with satisfaction the various initiatives in that area cited by the International Bureau, including the forthcoming publication of the first *WIPO Patent Agents' Manual*, and suggested that such initiatives should be broadened and intensified.

Some delegations commended the International Bureau for its efforts in promoting the wider dissemination of the technological information in patent document collections stored on CD-ROM, in obtaining CD-ROM product subscriptions for developing country users at preferential prices and in encouraging the production of collections of national patent documents on CD-ROM.

In connection with the promotion of domestic inventive activity, it was made clear by the International Bureau that WIPO continues to assist developing countries, at their request, in the establishment of support structures for inventors, facilitating contacts between such support structures and similar institutions in other countries, and also in the organization of exhibitions and promotional events.

The report of the Working Group was noted by the relevant Governing Bodies of WIPO in September 1993.

WIPO Orientation Seminar on General Aspects of Industrial Property (Geneva). In September 1993,

¹ See *Industrial Property*, 1993, p. 114.

WIPO organized in Geneva an Orientation Seminar on General Aspects of Industrial Property in Arabic, English, French and Spanish. One hundred and fifteen government officials from the following 70 countries attended: Algeria, Argentina, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Honduras, India, Indonesia, Jamaica, Jordan, Kenya, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Singapore, Sri Lanka, Sudan, Syria, Thailand, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe; in addition, 35 officials of the Permanent Missions to the United Nations Office in Geneva of 22 countries, an official from the Gulf Cooperation Council (GCC) and an official from UNDP attended the Seminar; lectures and demonstrations were given by 13 WIPO officials. After the Seminar, the 115 trainees continued their training in one or another of the nine training courses mentioned below.

WIPO Specialized Training Course on the Legal and Administrative Aspects of Trademarks (The Hague). In September 1993, 20 government officials attended a Specialized Training Course on the Legal and Administrative Aspects of Trademarks, in French, organized by WIPO and the BBM and held in The Hague. Those officials were from Algeria, Brazil, Bulgaria, Burkina Faso, Burundi, Chad, Chile, the Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Gabon, Guinea, Mali, Mauritania, Mauritius, Morocco and Tunisia; their subsistence costs were funded by the BBM. Lectures, demonstrations and training were given by officials of the BBM, representatives of private enterprises, officials of the member States of the BBM (Belgium, Luxembourg, Netherlands) and a WIPO official. The Course was followed by visits to private enterprises in Belgium, Luxembourg and the Netherlands.

WIPO Training Course on the Legal, Administrative and Economic Aspects of Industrial Property (Madrid). In September 1993, 16 government officials attended a Training Course on the Legal, Administrative and Economic Aspects of Industrial Property, in Spanish, organized in Madrid by WIPO and the Spanish Patent and Trademark Office. Those officials were from Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Mexico, Panama, Uruguay and Venezuela. The travel and subsistence costs of seven of the

participants were funded by the Government of Spain and those of one participant by a UNDP-financed country project. Lectures and demonstrations were given by officials of the Spanish Office and two WIPO officials.

WIPO Training Course on Industrial Property (Lisbon). In September 1993, two government officials from Cape Verde and Guinea-Bissau attended a Training Course on Industrial Property, in Portuguese, organized in Lisbon by WIPO and the National Institute of Industrial Property (INPI) of Portugal.

WIPO Seminar on Technical Information as an Aid to Industrial Development: Patent Documents (The Hague). In September 1993, 22 government officials attended a Seminar on Technical Information as an Aid to Industrial Development: Patent Documents, conducted in English and French and jointly organized by WIPO and the EPO in The Hague. The officials were from Benin, Brazil, the Central African Republic, the Congo, Côte d'Ivoire, Egypt, India, Indonesia, Jamaica, Madagascar, Malaysia, Mexico, Morocco, Nigeria, the Philippines, Senegal, Singapore, Syria, Thailand and Viet Nam. The travel and subsistence costs of 15 of the participants were funded by the EPO and the total costs of three participants by a UNDP-financed national project. Lectures, demonstrations and training were given by officials of the EPO, representatives of private companies, officials of Member States of the EPO and two WIPO officials.

WIPO Training Course on Industrial Property (Munich). In September 1993, seven government officials attended a Training Course on Industrial Property, in English, organized by WIPO and the German Patent Office and held in Munich. The officials were from Bangladesh, Brazil, Kenya, Malawi, the Republic of Korea, the United Republic of Tanzania and Zambia. The Government of Germany funded the travel and subsistence costs of all the participants but one, whose costs were funded by a UNDP-financed national project. Lectures and training were given by officials of the German Patent Office.

WIPO Specialized Training Course on Patent Examination for Government Officials of Developing Countries (The Hague). In September 1993, nine government officials attended a Specialized Training Course on Patent Examination for Government Officials of Developing Countries, in English, organized by WIPO and the Patent Office (Octrooiraad) of the Netherlands and held in The Hague, with the assistance of the Ministry of Foreign Affairs and the Ministry of Development Cooperation of the Government of the Netherlands. The government

officials were from China, Cuba, India, Indonesia, Kenya, Mexico, the Republic of Korea, Thailand and Viet Nam. The subsistence costs of the participants were funded by the Government of the Netherlands. Lectures and training were given by officials of the Octrooiraad and a WIPO official.

WIPO Training Course on Patent Documentation and Information (Vienna). In September 1993, six government officials attended a Training Course on Patent Documentation and Information, in English, organized by WIPO and the Austrian Patent Office and held in Vienna. The officials were from Egypt, India, Jamaica, the Philippines, the Republic of Korea and Sri Lanka; about half of the travel and subsistence costs of the participants were funded by the Government of Austria. Lectures and training were given by the officials of the Austrian Patent Office.

WIPO Training Course on the Legal, Administrative and Economic Aspects of Industrial Property (Strasbourg, France). In September 1993, 34 government officials attended a Training Course on the Legal, Administrative and Economic Aspects of Industrial Property, in English and French, organized jointly in Strasbourg by WIPO and the Center for International Industrial Property Studies (CEIPI), with the cooperation of INPI (France) and financial assistance from the Governments of France and Switzerland. The participants were from Algeria, Bahrain, Benin, Burkina Faso, Cameroon, Colombia, Costa Rica, Cuba, Cyprus, Gabon, the Gambia, Ghana, Guinea, Jordan, Madagascar, Malaysia, Malta, Mauritius, Mongolia, Namibia, Niger, Peru, the Republic of Korea, Rwanda, Sri Lanka, Sudan, Thailand, Tunisia, Uganda, Uruguay, Viet Nam, Yemen, Zimbabwe and the GCC. Lectures were given by professors, lawyers and patent attorneys from or associated with CEIPI, officials of INPI (France), the Patent and Registration Office of Sweden and the EPO and three WIPO officials, and also by representatives of private enterprises in France and Germany. The Course was followed, for most of the participants, by practical training in the industrial property offices of one of the following countries: Bulgaria, Canada, Czech Republic, Egypt, France, Hungary, India, Israel, Switzerland, United Kingdom.

WIPO Training Course on Patent Documentation, Searching and Examination Techniques (Stockholm). In September 1993, eight government officials attended a Training Course on Patent Documentation, Searching and Examination Techniques, in English, organized by WIPO and the Patent and Registration Office of Sweden and held in Stockholm. The officials were from Bangladesh, Brazil, Egypt, Indonesia, Kenya, Nicaragua, Pakistan and

Viet Nam. The travel costs of the participants were covered by funds made available to WIPO by the Swedish International Development Agency (SIDA), while their subsistence costs were funded by the Swedish Agency for International Technical and Economic Cooperation (BITS). Lectures and training were given by officials of the Swedish Office.

Assistance With Training, Legislation and Modernization of Administration

Austria. In September 1993, a WIPO official visited the Austrian Patent Office (APO) in Vienna and had discussions with APO officials on cooperation between the APO and WIPO in favor of developing countries.

Canada. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Mart Leesti, Director General of the Canadian Intellectual Property Office (CIPO) and Commissioner of Patents and Registrar of Trademarks, discussed with WIPO officials in Geneva the assistance that his Office could give to developing countries.

France. In September 1993, a government official had discussions with WIPO officials in Geneva on the activities under the development cooperation program undertaken by WIPO with the financial assistance of the Government of France.

Germany. In September 1993, a WIPO official had discussions with officials of the German Patent Office in Munich on the activities under the development cooperation program undertaken by WIPO with the assistance of the Office.

Israel. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, a government official discussed with WIPO officials in Geneva the possibility of strengthening cooperation between Israel and WIPO in favor of developing countries.

Japan. In September 1993, a government official had discussions with WIPO officials in Geneva on the activities under the development cooperation program undertaken by WIPO with the financial assistance of the Government of Japan.

Spain. In September 1993, a government official discussed with WIPO officials in Geneva the possibility of strengthening cooperation between Spain and WIPO in favor of developing countries.

United Kingdom. In September 1993, on the occasion of their participation in the sessions of the

Governing Bodies, two officials of the United Kingdom Patent Office had discussions with WIPO officials in Geneva on the United Kingdom Patent Office's support for WIPO's development cooperation program.

European Patent Office (EPO). In September 1993, a WIPO official visited the EPO branch office in Vienna and had discussions on matters relating to

the planned WIPO/IFIA (International Federation of Inventors' Associations) Symposium for inventors to be held on the premises of the EPO office in Vienna in 1994.

Also in September 1993, a WIPO official visited the EPO in Munich and reviewed the status of cooperation between the EPO and WIPO in the field of assistance to developing countries.

WIPO Medals

In September 1993, WIPO gold medals were awarded to an outstanding inventor and to the best

woman inventor at the National Exhibition of Inventions and New Techniques held in Pyongyang.

Activities of WIPO in the Field of Industrial Property Specially Designed for Countries in Transition to Market Economy

Regional Activities

Interstate Council on the Protection of Industrial Property. In September 1993, two WIPO officials attended as observers, in Uzgorod (Ukraine), the second session of the Working Group of Experts of the Interstate Council on the Protection of Industrial Property, which discussed the draft convention on the interstate protection of industrial property, produced in cooperation with WIPO. The Working Group of Experts agreed that the new convention should be limited to patent protection, that it should be called the "Eurasian Patent Convention" and that the organs of the Eurasian Patent Organization would be the Administrative Council and the Eurasian Patent Office.

Also in September 1993, the same two WIPO officials attended, also as observers and in Uzgorod, the second session of the Interstate Council on the Protection of Industrial Property. The draft Eurasian Patent Convention was discussed at that session. The Interstate Council also adopted decisions on the establishment of three standing working groups, one on information, one on computerization and one

responsible for the financial questions involved with industrial property, the harmonization of the exchange of authors' certificates for patents, the remuneration of inventors and the handling of secret inventions.

Later in September 1993, the Director General and other officials of the International Bureau of WIPO held informal discussions in Geneva on the draft Eurasian Patent Convention with Mr. Valery L. Petrov, Chairman of the Interstate Council and of the State Patent Office of Ukraine, Mr. Viktor Blinnikov, President of the Interstate Office and First Deputy Chairman of the Committee of the Russian Federation for Patents and Trademarks (ROSPATENT), Mr. Valery I. Kudashov, Head of the Belarus Patent Office, Mr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan, Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection (AGEPI) of the Republic of Moldova, Mr. Vitaly P. Rassokhin, Chairman of ROSPATENT, Mr. V.N. Zharov, Deputy Chairman of the State Patent Office of Ukraine, and Mr. Akil A. Azimov, Head of the State Patent Office of Uzbekistan.

National Activities

Belarus. In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mr. Valery I. Kudashov, Head of the Belarus Patent Office, and another government official had discussions with WIPO officials in Geneva on the prevention of unfair competition and on the protection of plant varieties.

Bulgaria. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Kristo Iliev, President of the Patent Office, had discussions with WIPO officials in Geneva on the status of industrial property protection in Bulgaria and Bulgaria's interest in organizing training for the judiciary, patent attorneys and users of the industrial property system. Training of government officials in the administrative procedures under the Patent Cooperation Treaty (PCT) and Hague (industrial designs) systems was also discussed.

Croatia. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Nikola Kopčić, Director of the State Patent Office, had discussions with WIPO officials in Geneva on the draft industrial property legislation of Croatia.

Czech Republic. In September 1993, at the invitation of Mr. Jindřich Kabát, Minister of Culture of the Czech Republic, the Director General visited Prague and had discussions with the Minister of Culture on the draft new copyright law, with the Minister of Economy on the Madrid Agreement Concerning the International Registration of Marks and with the President of the Patent Office on the possible organization, by WIPO, of an information meeting for Central European countries on WIPO's computerized activities under the PCT and Madrid systems. The Director General also had discussions with other government leaders on the new copyright law and cooperation with WIPO, while the teaching of intellectual property was discussed with members of Charles University. The Director General was accompanied by another WIPO official.

Also in September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Ladislav Jakl, President of the Industrial Property Office, had discussions with WIPO officials in Geneva on the operations of the Patent Office.

Estonia. In September 1993, a WIPO official participated, in Tallinn, in an Industrial Property Protection Seminar organized by the Nordic Council of Ministers in cooperation with WIPO, the European Patent Office (EPO) and the patent offices of Denmark, Estonia, Finland, Norway and Sweden. The Seminar was attended by some 150 participants.

Papers were presented by speakers from Estonia, Denmark, Finland, Sweden and the EPO and by a WIPO official.

Also in September 1993, the same WIPO official had discussions with government officials on the draft patent and utility model laws and on transitional provisions under those laws.

Kazakhstan. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Tolesh E. Kaudyrov, Chairman of the National Patent Office, had discussions with WIPO officials in Geneva on the possibility of organizing a regional seminar for industrial property agents.

Latvia. In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mr. Zigrids Aumeisters, Director of the Patent Office, and another government official had discussions with the Director General and other WIPO officials in Geneva on Latvia's industrial property legislation, on the training of the staff of the Latvian Office in the administrative procedures under the Madrid system and on the possibility of Latvia's accession to the Madrid Agreement.

Lithuania. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Rimvydas Naujokas, Director of the State Patent Bureau, had discussions with WIPO officials in Geneva on legislative developments in Lithuania in the field of patents and industrial designs.

Republic of Moldova. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection (AGEPI), had discussions with WIPO officials in Geneva on a draft announcement on the industrial property situation in the Republic of Moldova.

Romania. In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mrs. Mioara Rădulescu, Director General of the State Office for Inventions and Trademarks, and two other government officials had discussions with the Director General and other WIPO officials in Geneva on cooperation between the Romanian Office and WIPO.

Slovakia. In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mr. Peter Porubský, President of the Industrial Property Office, and two other government officials, had discussions with the Director General and other WIPO officials on cooperation in the field of

industrial property and WIPO's possible assistance in the training of the staff of the Office.

Slovenia. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Bojan Pretnar, Director of the Industrial Property Protection Office, had discussions with the Director General and other WIPO officials in Geneva on the promotion of research and the teaching of intellectual property, the draft law on the protection of topographies of semiconductor products and the country's possible accession to the PCT, the Protocol Relating to the Madrid Agreement and other WIPO-administered treaties.

Later in September 1993, following the above-mentioned visit, the International Bureau prepared and sent to the government authorities, at their request, comments on the draft law on the protection of topographies of semiconductor products.

Ukraine. In September 1993, two WIPO officials had discussions in Kiev with officials of the State Patent Office on the patent, trademark and industrial design operations of that Office and on legislative developments in Ukraine.

Also in September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Valery L. Petrov, Chairman of the State Patent Office, had discussions with the Director General and other WIPO officials in Geneva on a seminar for patent attorneys to be held in Kiev in November 1993.

Uzbekistan. In September 1993, Mr. Akil A. Azimov, Head of the State Patent Office, had discussions with WIPO officials in Geneva on the draft announcement on the industrial property situation in Uzbekistan, on the computerization of the Office's trademark operations and on the protection of plant varieties.

Other Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Industrial Property

National Contacts

Australia. In September 1993, on the occasion of their participation in the sessions of the Governing Bodies, Mr. Andrew Bain, Acting Director General of the Australian Industrial Property Organisation (AIPO), and another official of AIPO had discussions with the Director General and other WIPO officials in Geneva on matters of mutual interest.

Iceland. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Gunnar Guttormsson, Director of the Icelandic Patent Office, had discussions with WIPO officials in Geneva on the possibility of Iceland's accession to certain WIPO-administered treaties, in particular the Patent Cooperation Treaty (PCT).

Malta. In September 1993, a government official had discussions with WIPO officials in Geneva on cooperation between Malta and WIPO.

Sweden. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Sten Heckscher, Director General of the Swedish Patent and Registration Office, had discussions with the Director General in Geneva on matters of mutual interest.

Turkey. In September 1993, on the occasion of his participation in the sessions of the Governing Bodies, Mr. Ugür G. Yalçiner, President of the Industrial Property Department, had discussions with WIPO officials in Geneva on the strengthening of the industrial property system, legislative develop-

ments in Turkey and the possibility of the country's accession to the PCT and other WIPO-administered treaties.

United States of America. In September 1993, a government official from the United States Patent and Trademark Office (USPTO) had discussions with WIPO officials in Geneva on trademark matters, in particular the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

United Nations

In September 1993, a WIPO official attended a briefing organized in Geneva by the United Nations on the preparations for the Fiftieth Anniversary of the United Nations in 1995.

United Nations Administrative Committee on Coordination (ACC). In late September and early October 1993, a WIPO official attended a number of meetings, held in Geneva, of the ACC's Senior Level Task Force on UN Information Systems.

United Nations Advisory Committee for the Coordination of Information Systems (ACCIS). In late September and early October 1993, a WIPO official attended the seventh session of ACCIS in Geneva.

International Computer Centre (ICC). In September 1993, two WIPO officials attended an ICC Management Committee meeting held in Geneva.

Other Organizations

Customs Co-operation Council (CCC). In September 1993, a WIPO official attended in Brussels a meeting of the Joint Customs/Business Subgroup of CCC's Group on Intellectual Property Protection, and had discussions with CCC officials on the possibility of cooperation with WIPO in training related to the fight against counterfeiting and piracy.

International Association for the Protection of Industrial Property (AIPPI). In late September and early October 1993, a WIPO official attended a Symposium on First, True and Joint Inventors, organized in Helsinki by the Finnish Group of AIPPI.

International Federation of Inventors' Associations (IFIA). In September 1993, a WIPO official and a WIPO consultant from Lithuania participated as speakers in a Mediterranean Meeting on Invention and the Protection of the Environment, organized in Tunis by IFIA in cooperation with the Government of Tunisia.

Patent Documentation Group (PDG). In September 1993, at a meeting in Vienna of the PDG's Working Group "Impact of Patent Laws on Documentation," a WIPO official spoke on the results of recent meetings of the WIPO Permanent Committee for Industrial Property Information (PCII).

Miscellaneous News

National News

Switzerland. The Federal Law on the Protection of the Topographies of Semiconductor Products (Topographies Law) of October 9, 1992, entered into force on July 1, 1993, with the exception of its Article 17, which will enter into force on January 1, 1994.

The Ordinance on the Protection of the Topographies of Semiconductor Products (Topographies Ordinance) of April 26, 1993, will enter into force on January 1, 1994.

Uzbekistan. The Law on Trademarks and Service Marks of May 7, 1993, entered into force on June 2, 1993.

Calendar of Meetings

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1994

- January 31 to February 4 (Geneva)** **Committee of Experts on the Development of the Hague Agreement (Fourth Session)**
- The Committee will continue to consider possibilities for revising the Hague Agreement Concerning the International Deposit of Industrial Designs, or adding to it a protocol, in order to introduce in the Hague system provisions intended to encourage States to adhere to the system and to facilitate the use of the system by applicants.
- Invitations:* States members of the Hague Union, and, as observers, States members of the Paris Union not members of the Hague Union and certain organizations.
- February 21 to 25 (Geneva)** **Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Sixth Session) and Preparatory Meeting (Second Part) for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States**
- The Committee of Experts will continue the preparations for a possible multilateral treaty on the settlement of intellectual property disputes between States. The Preparatory Meeting will decide what substantive documents should be submitted to the Diplomatic Conference and which States and organizations should be invited to the Diplomatic Conference. The Preparatory Meeting will also establish the proposed Rules of Procedure of the Diplomatic Conference.
- Invitations:* States members of the Paris Union, the Berne Union or WIPO or party to the Nairobi Treaty and, as observers, certain organizations.
- March 3 and 4 (Geneva)** **Worldwide Forum on the Arbitration of Intellectual Property Disputes** (jointly organized with the American Arbitration Association (AAA))
- The Forum will, with particular reference to intellectual property disputes, give an overview of the various extra-judicial procedures for dispute resolution, examine the main elements of the arbitration process, and consider the nature and use of mediation as a form of dispute resolution.
- Invitations:* Governments, selected non-governmental organizations and any member of the public (against payment of a registration fee).
- May 2 to 6 (Geneva)** **Working Group on the Application of the Madrid Protocol of 1989 (Sixth Session)**
- The Working Group will continue to review joint Regulations for the implementation of the Madrid Agreement Concerning the International Registration of Marks and of the Madrid Protocol, as well as draft forms to be established under those Regulations.
- Invitations:* States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.
- May 23 to 27 (Geneva)** **WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Eleventh Session)**
- The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (November 1992) and make recommendations on the future orientation of the said Program.
- Invitations:* States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.
- June 6 to 10 (Geneva)** **Committee of Experts on a Possible Protocol to the Berne Convention (Fourth Session)**
- The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

Invitations: States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

June 13 to 17 (Geneva)

Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)

The Committee will continue to examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

June 20 to 23 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Sixteenth Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (November 1992) and make recommendations on the future orientation of the said Program.

Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

September 26 to October 4 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth Series of Meetings)

Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.

Invitations: As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.

UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

1994

November 2 to 4 (Geneva)

Technical Committee

Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

November 7 and 8 (Geneva)

Administrative and Legal Committee

Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.

November 9 (a.m.) (Geneva)

Consultative Committee (Forty-Eighth Session)

Invitations: Member States of UPOV.

November 9 (p.m.) (Geneva)

Council (Twenty-Eighth Ordinary Session)

Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1994

February 2 to 8 (Queenstown)

International Federation of Industrial Property Attorneys (FICPI): Executive Committee

May 4 to 9 (Beijing)

Licensing Executives Society International (LESI): International Conference

May 8 to 11 (Seattle)

International Trademark Association (INTA): 116th Annual Meeting

May 23 to 25 (Turin)

International Publishers Association (IPA): Symposium on the theme "Publishers and New Technology"

May 25 to 28 (Luxembourg)	European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference
May 28 to June 5 (Ostend)	International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress
June 12 to 18 (Copenhagen)	International Association for the Protection of Industrial Property (AIPPI): Executive Committee
June 19 to 24 (Vienna)	International Federation of Industrial Property Attorneys (FICPI): Congress